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Chief Clerk of the House

FILED JAN 14 2005

By: Heggen

H.B. No. 468

A BILL TO BE ENTITLED

AN ACT

relating to driver and traffic safety education courses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.056, Education Code, is amended by
amending Subsections (b), (c), (e), (f), and (g) and adding
Subsection (b-1) to read as follows:

(b) The agency shall:

(1) print and supply to each licensed course provider
uniform certificates of course completion; or

(2) provide a licensed course provider with course
completion certificate numbers to enable the provider to print and
issue agency-approved certificates of course completion.

(b-1) Certificate numbering under Subsection (b) [The
certificates] must be serial, regardless of whether the agency
provides certificates or certificate numbers to a licensed course
provider [numbered serially].

(c) The agency by rule shall provide for the design and
distribution of the certificates or the distribution of certificate
numbers in a manner that, to the greatest extent possible, prevents
the unauthorized production or misuse of the certificates or
certificate numbers.

(e) The agency may charge a fee of not more than \$4 for each
certificate or course completion certificate number. A course
provider that supplies a certificate to an operator shall charge

1 the ~~[an]~~ operator a fee equal to the amount of the fee paid to the
2 agency for the ~~[a]~~ certificate or certificate number.

3 (f) A course provider license entitles a course provider to
4 purchase certificates or certificate numbers for only one approved
5 driving safety course.

6 (g) The agency shall issue a duplicate certificate, except
7 that if the original certificate was issued by a licensed course
8 provider, the provider shall issue the duplicate certificate
9 [certificates]. The commissioner by rule shall determine the
10 amount of the fee for issuance of a duplicate certificate under this
11 subsection.

12 SECTION 2. Sections 1001.151(e) and (k), Education Code,
13 are amended to read as follows:

14 (e) The ~~[annual]~~ renewal fee for a course provider, driving
15 safety school, driver education school, or branch location is an
16 appropriate amount established by the commissioner not to exceed
17 \$400 ~~[\$200]~~, except that the agency may waive the fee if revenue
18 generated by the issuance of uniform certificates of course
19 completion, course completion certificate numbers, and driver
20 education certificates is sufficient to cover the cost of
21 administering this chapter and Article 45.0511, Code of Criminal
22 Procedure.

23 (k) An application for an original driver education or
24 driving safety instructor license must be accompanied by a
25 processing fee of \$50 and a ~~[an annual]~~ license fee not to exceed
26 \$50 ~~[of \$25]~~, except that the commissioner may not collect the
27 processing fee from an applicant for a driver education instructor

1 license who is currently teaching a driver education course in a
2 public school in this state.

3 SECTION 3. Section 1001.209(b), Education Code, is amended
4 to read as follows:

5 (b) A bond issued under Subsection (a) must be:

6 (1) issued by a company authorized to do business in
7 this state;

8 (2) payable to the state to be used:

9 (A) for payment of a refund due a student of the
10 course provider's approved course;

11 (B) to cover the payment of unpaid fees or
12 penalties assessed by the agency; or

13 (C) to recover any [the] cost associated with
14 printing and supplying [of] uniform certificates of course
15 completion or providing course completion certificate numbers,
16 including the return of certificates or the cancellation of
17 certificate numbers [the agency demands be returned or any cost
18 associated with the certificates];

19 (3) conditioned on the compliance of the course
20 provider and its officers, agents, and employees with this chapter
21 and rules adopted under this chapter; and

22 (4) issued for a period corresponding to the term of
23 the license.

24 SECTION 4. Sections 1001.301 and 1001.302, Education Code,
25 are amended to read as follows:

26 Sec. 1001.301. EXPIRATION OF SCHOOL OR COURSE PROVIDER
27 LICENSE. The term of a driver education school, driving safety

1 school, or course provider license may not exceed two years [~~one~~
2 ~~year~~].

3 Sec. 1001.302. EXPIRATION OF INSTRUCTOR LICENSE. The term
4 of a driver education instructor or driving safety instructor
5 license may not exceed two years [~~one year~~].

6 SECTION 5. Section 1001.303(b), Education Code, is amended
7 to read as follows:

8 (b) A school or course provider that does not comply with
9 Subsection (a) must, as a condition of renewal of the person's
10 license, pay a late renewal fee. The late renewal fee is in
11 addition to the regular [~~annual~~] renewal fee. The late renewal fee
12 must be in the amount established by board rule of at least \$100,
13 subject to Subchapter D.

14 SECTION 6. Sections 1001.351(a) and (b), Education Code,
15 are amended to read as follows:

16 (a) Not later than the 15th working day after the course
17 completion date, a course provider or a person at the course
18 provider's facilities shall mail a uniform certificate of course
19 completion or a certificate of completion having a course
20 completion certificate number provided by the agency to a person
21 who successfully completes an approved driving safety course.

22 (b) A course provider shall electronically submit to the
23 agency in the manner established by the agency data identified by
24 the agency relating to uniform certificates of course completion
25 and all assigned course completion certificate numbers used by the
26 course provider.

27 SECTION 7. Section 1001.456(b), Education Code, is amended

1 to read as follows:

2 (b) If the agency believes that a course provider, driving
3 safety school, or driving safety instructor has violated this
4 chapter or a rule adopted under this chapter, the agency may,
5 without notice:

6 (1) order a peer review of the course provider,
7 driving safety school, or driving safety instructor;

8 (2) suspend the enrollment of students in the school
9 or the offering of instruction by the instructor; or

10 (3) suspend the right to purchase uniform certificates
11 of course completion or course completion certificate numbers.

12 SECTION 8. Sections 1001.555(a) and (c), Education Code,
13 are amended to read as follows:

14 (a) A person commits an offense if the person knowingly
15 sells, trades, issues, or otherwise transfers, or possesses with
16 intent to sell, trade, issue, or otherwise transfer, a uniform
17 certificate of course completion or certificate of course
18 completion issued by a course provider, course completion
19 certificate number, or a driver education certificate to an
20 individual, firm, or corporation not authorized to possess the
21 certificate or number.

22 (c) A person commits an offense if the person knowingly
23 possesses a [~~uniform~~] certificate of course completion or a driver
24 education certificate and is not authorized to possess the
25 certificate.

26 SECTION 9. This Act takes effect September 1, 2005.

05 APR -7 PM 7:42
HOUSE OF REPRESENTATIVES

HOUSE
COMMITTEE REPORT

1st Printing

By: Hegar

H.B. No. 468

Substitute the following for H.B. No. 468:

By: Veasey

C.S.H.B. No. 468

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1), (c-1), and (h) to read as follows:

(b) The agency shall provide ~~[print and supply to]~~ each licensed course provider with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b) ~~[The certificates]~~ must be serial ~~[numbered serially]~~.

(c) The agency by rule shall provide for the design ~~[and distribution]~~ of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(e) The agency may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate for an operator shall collect from the

1 ~~[charge an]~~ operator a fee equal to the amount of the fee paid to the
2 agency for the [a] certificate number.

3 (f) A course provider license entitles a course provider to
4 purchase certificate numbers ~~[certificates]~~ for only one approved
5 driving safety course.

6 (g) A course provider ~~[The agency]~~ shall issue a duplicate
7 certificate by United States mail or through a commercial delivery
8 service ~~[certificates]~~. The commissioner by rule shall determine
9 the amount of the fee collected by the course provider for issuance
10 of a duplicate certificate under this subsection.

11 (h) If a duplicate certificate issued by a course provider
12 contains information that is different from the original
13 certificate, the course provider shall include on the duplicate
14 certificate, in addition to the new information, the applicable
15 information from the original certificate with the notation
16 "changed to" indicating how the original information was changed.

17 SECTION 2. Section 1001.151(e), Education Code, is amended
18 to read as follows:

19 (e) The annual renewal fee for a course provider, driving
20 safety school, driver education school, or branch location is an
21 appropriate amount established by the commissioner not to exceed
22 \$200, except that the agency may waive the fee if revenue generated
23 by the issuance of ~~[uniform certificates of]~~ course completion
24 certificate numbers and driver education certificates is
25 sufficient to cover the cost of administering this chapter and
26 Article 45.0511, Code of Criminal Procedure.

27 SECTION 3. Section 1001.209(b), Education Code, is amended

to read as follows:

(b) A bond issued under Subsection (a) must be:

(1) issued by a company authorized to do business in this state;

(2) payable to the state to be used:

(A) for payment of a refund due a student of the course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the agency; or

(C) to recover any [the] cost associated with providing [of uniform certificates of] course completion certificate numbers, including the cancellation of certificate numbers [the agency demands be returned or any cost associated with the certificates];

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 4. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue and send [mail] a uniform certificate of course completion by United States mail or through a commercial delivery service to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the agency in the manner established by the agency data identified by the agency relating to uniform certificates of course completion issued by the course provider.

SECTION 5. Section 1001.456(b), Education Code, is amended to read as follows:

(b) If the agency believes that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule adopted under this chapter, the agency may, without notice:

(1) order a peer review of the course provider, driving safety school, or driving safety instructor;

(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase ~~[uniform certificates of]~~ course completion certificate numbers.

SECTION 6. Sections 1001.555(a) and (c), Education Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, including a duplicate certificate, a course completion certificate number, including a duplicate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(c) A person commits an offense if the person knowingly

1 possesses a uniform certificate of course completion, including a
2 duplicate certificate, a course completion certificate number,
3 including a duplicate number, or a driver education certificate and
4 is not authorized to possess the certificate or number.

5 SECTION 7. This Act takes effect September 1, 2005.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

03/22/05
(date)

Sir:

We, your COMMITTEE ON LAW ENFORCEMENT

to whom was referred HB 468 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
() do pass, with amendment(s).
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
(X) yes () no A fiscal note was requested.
() yes (X) no A criminal justice policy impact statement was requested.
() yes (X) no An equalized educational funding impact statement was requested.
() yes (X) no An actuarial analysis was requested.
() yes (X) no A water development policy impact statement was requested.
() yes (X) no A tax equity note was requested.
(X) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

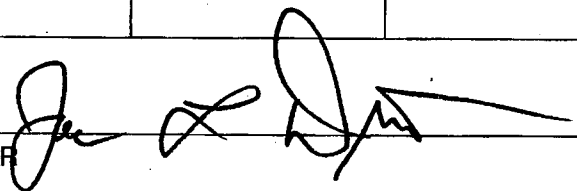
Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Driver, Chair	X			
Jackson, Vice-chair	X			
Burnam				X
Frost	X			
Hegar	X			
Hupp	X			
Veasey	X			

Total 6 aye
 0 nay
 0 present, not voting
 1 absent

CHAIR 

BILL ANALYSIS

C.S.H.B. 468
By: Hegar
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the Texas Education Agency (TEA) must print and issue certificates of completion for driver training courses. This is logistically inefficient for both TEA and course providers. Instead, C.S.H.B. 468 requires that TEA supply the course provider series of course completion certificate numbers that the course provider will use to print agency-approved certificates of course completion.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 468 amends §1001.056 of the Education Code, to require TEA to supply a driver training course provider with course completion certificate numbers to enable course providers to print and issue agency-approved certificates.

The bill further amends §1001.056 by adding language that requires the numbering of certificates to be serial and that the agency design and distribute the certificates in a manner that would prevent unauthorized production or misuse of the certificate numbers to the greatest extent possible. Additionally, the bill authorizes the agency to charge a fee of no more than \$4 for each certificate number and provides that course providers may collect from the person approved to conduct an approved course a fee equal to the amount of the fee paid to the agency for the certificate number.

The bill also amends §1001.056 by stating that a course provider's license enables that provider to purchase certificate numbers for one course only. The bill requires a course provider that provides an original certificate to provide any duplicate certificates. The bill requires the commissioner to determine the cost charged by the provider for issuing a duplicate certificate. If a duplicate certificate issued by a course provider contains information that is different from the original certificate, the bill requires a course provider to include on the duplicate certificate the new information, along with a notation "changed to," indicating how the original information was changed. C.S.H.B. 468 requires the course provider to issue duplicate certificates by United States mail service or commercial delivery.

The bill amends §1001.209, Education Code, to allow the costs incurred by TEA in supplying course completion certificate numbers, including the cancellation of certificates, to be recovered from the bond that is required of a course provider by §1001.209.

The bill amends §1001.555 of the Education Code to provide that a person commits an offense if he or she knowingly sells, trades, issues, transfers, or possesses a duplicate course completion certificate or certificate number with the intent to sell, trade, issue, or otherwise transfer a course completion certificate number without proper authorization.

The bill also makes conforming and non-substantive changes.

EFFECTIVE DATE

September 1, 2005.

C.S.H.B. 468 79(R)

1

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill included language that changed the renewal period for a license from one to two years. The substitute removes all provisions that changed license renewal from one year to two years.

The original bill included language that gave TEA the option of printing and supplying to each course provider uniform certificates of course completion or providing a course provider with course completion certificate numbers to enable the provider to print and issue agency-approved certificates of course completion. The substitute removes language that allowed TEA to issue certificates.

Additionally, the committee substitute requires the course provider to print and distribute both original certificates and duplicate certificates in a manner that prevents unauthorized production or misuse of the certificates. The committee substitute requires that course providers issue and send certificates of course completion through United States Mail or through a commercial delivery service.

SUMMARY OF COMMITTEE ACTION

HB 468

March 16, 2005 1:30PM or upon final adjourn./recess

Considered in public hearing
Committee substitute considered in committee
Testimony taken in committee (Legislator(s) only.)
Left pending in committee

March 22, 2005 upon final adjourn./recess

Considered in formal meeting
Committee substitute considered in committee
Recommended to be sent to Local & Consent
Reported favorably as substituted

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend Section 1001.056 of the Education Code relating to the issuance of certificates of driver and traffic safety education course completion. The Texas Education Agency would be required to sell course completion certificate numbers to course providers and would direct the purchaser to print and issue certificates and duplicate certificates. The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, KJG, JGM

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 10, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), As Introduced

No fiscal implication to the State is anticipated.

The bill would increase the terms of license for driver training programs and instructors from one to two years. The bill would also increase the applicable fee from the current annual amount to an amount that is equal to two years' fees, thereby resulting in a neutral fiscal impact to the state.

The bill would allow course providers to purchase blocks of certificate numbers and allow the purchaser to print and issue certificates and then to print, issue, and charge a fee for duplicate certificates.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, KJG, JGM

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ADOPTED

APR 22 1975

Chief Clerk
House of Representatives

By: Hegar

Substitute the following for H.B. No. 468:

By: Yeasey

H.B. No. 468

C.S. H.B. No. 468

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~~AN ACT~~

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(b) The agency shall provide ~~[print and supply to]~~ each licensed course provider with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b) ~~[The certificates]~~ must be serial ~~[numbered serially]~~.

(c) The agency by rule shall provide for the design ~~[and distribution]~~ of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(e) The agency may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate for an operator shall collect from the

1 ~~[charge an]~~ operator a fee equal to the amount of the fee paid to the
2 agency for the [a] certificate number.

3 (f) A course provider license entitles a course provider to
4 purchase certificate numbers ~~[certificates]~~ for only one approved
5 driving safety course.

6 (g) A course provider ~~[The agency]~~ shall issue a duplicate
7 certificate by United States mail or through a commercial delivery
8 service ~~[certificates]~~. The commissioner by rule shall determine
9 the amount of the fee collected by the course provider for issuance
10 of a duplicate certificate under this subsection.

11 (h) If a duplicate certificate issued by a course provider
12 contains information that is different from the original
13 certificate, the course provider shall include on the duplicate
14 certificate, in addition to the new information, the applicable
15 information from the original certificate with the notation
16 "changed to" indicating how the original information was changed.

17 SECTION 2. Section 1001.151(e), Education Code, is amended
18 to read as follows:

19 (e) The annual renewal fee for a course provider, driving
20 safety school, driver education school, or branch location is an
21 appropriate amount established by the commissioner not to exceed
22 \$200, except that the agency may waive the fee if revenue generated
23 by the issuance of ~~[uniform certificates of]~~ course completion
24 certificate numbers and driver education certificates is
25 sufficient to cover the cost of administering this chapter and
26 Article 45.0511, Code of Criminal Procedure.

27 SECTION 3. Section 1001.209(b), Education Code, is amended

1 to read as follows:

2 (b) A bond issued under Subsection (a) must be:

3 (1) issued by a company authorized to do business in
4 this state;

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7 course provider's approved course;

8 (B) to cover the payment of unpaid fees or
9 penalties assessed by the agency; or

10 (C) to recover any [the] cost associated with
11 providing [of uniform certificates of] course completion
12 certificate numbers, including the cancellation of certificate
13 numbers [the agency demands be returned or any cost associated with
14 the certificates];

15 (3) conditioned on the compliance of the course
16 provider and its officers, agents, and employees with this chapter
17 and rules adopted under this chapter; and

18 (4) issued for a period corresponding to the term of
19 the license.

20 SECTION 4. Sections 1001.351(a) and (b), Education Code,
21 are amended to read as follows:

22 (a) Not later than the 15th working day after the course
23 completion date, a course provider or a person at the course
24 provider's facilities shall issue and send [mail] a uniform
25 certificate of course completion by United States mail or through a
26 commercial delivery service to a person who successfully completes
27 an approved driving safety course.

(b) A course provider shall electronically submit to the agency in the manner established by the agency data identified by the agency relating to uniform certificates of course completion issued by the course provider.

SECTION 5. Section 1001.456(b), Education Code, is amended to read as follows:

(b) If the agency believes that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule adopted under this chapter, the agency may, without notice:

(1) order a peer review of the course provider, driving safety school, or driving safety instructor;

(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase ~~[uniform certificates of]~~ course completion certificate numbers.

SECTION 6. Sections 1001.555(a) and (c), Education Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, including a duplicate certificate, a course completion certificate number, including a duplicate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(c) A person commits an offense if the person knowingly

1 possesses a uniform certificate of course completion, including a
2 duplicate certificate, a course completion certificate number,
3 including a duplicate number, or a driver education certificate and
4 is not authorized to possess the certificate or number.

5 SECTION 7. This Act takes effect September 1, 2005.

F

HOUSE ENGROSSMENT

By: Hegar

H.B. No. 468

A BILL TO BE ENTITLED

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9 the amount of the fee collected by the course provider for issuance
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(2) payable to the state to be used:

(A) for payment of a refund due a student of the course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the agency; or

(C) to recover any [the] cost associated with providing [of uniform certificates of] course completion certificate numbers, including the cancellation of certificate numbers [the agency demands be returned or any cost associated with the certificates];

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 4. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue and send [mail] a uniform certificate of course completion by United States mail or through a commercial delivery service to a person who successfully completes an approved driving safety course.

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(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase ~~[uniform certificates of]~~ course completion certificate numbers.

SECTION 6. Sections 1001.555(a) and (c), Education Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, including a duplicate certificate, a course completion certificate number, including a duplicate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(c) A person commits an offense if the person knowingly

H.B. No. 468

1 possesses a uniform certificate of course completion, including a
2 duplicate certificate, a course completion certificate number,
3 including a duplicate number, or a driver education certificate and
4 is not authorized to possess the certificate or number.

5 SECTION 7. This Act takes effect September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend Section 1001.056 of the Education Code relating to the issuance of certificates of driver and traffic safety education course completion. The Texas Education Agency would be required to sell course completion certificate numbers to course providers and would direct the purchaser to print and issue certificates and duplicate certificates. The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, KJG, JGM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 10, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would increase the terms of license for driver training programs and instructors from one to two years. The bill would also increase the applicable fee from the current annual amount to an amount that is equal to two years' fees, thereby resulting in a neutral fiscal impact to the state.

The bill would allow course providers to purchase blocks of certificate numbers and allow the purchaser to print and issue certificates and then to print, issue, and charge a fee for duplicate certificates.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, KJG, JGM

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By: Hegar (Senate Sponsor - Jackson) H.B. No. 468
(In the Senate - Received from the House April 25, 2005;
April 26, 2005, read first time and referred to Committee on
Transportation and Homeland Security; May 12, 2005, reported
adversely, with favorable Committee Substitute by the following
vote: Yeas 7, Nays 0; May 12, 2005, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 468 By: Brimer

A BILL TO BE ENTITLED
AN ACT

relating to driver and traffic safety education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.001, Education Code, is amended by
amending Subdivisions (2), (3), (4), and (5) and adding Subdivision
(13-a) to read as follows:

(2) "Approved driving safety course" means a driving
safety course approved by the department ~~[commissioner]~~.

(3) "Commission" ~~["Commissioner"]~~ means the Texas
Commission of Licensing and Regulation ~~[commissioner of~~
~~education]~~.

(4) "Course provider" means an enterprise that:

(A) maintains a place of business or solicits
business in this state;

(B) is operated by an individual, association,
partnership, or corporation; and

(C) has received an approval for a driving safety
course from the department ~~[commissioner]~~ or has been designated by
a person who has received that approval to conduct business and
represent the person in this state.

(5) "Department" means the Texas Department of
Licensing and Regulation ~~[Public Safety]~~.

(13-a) "Executive director" means the executive
director of the department.

SECTION 2. Section 1001.002(c), Education Code, is amended
to read as follows:

(c) A driver education course is exempt from this chapter,
other than Section 1001.055, if the course is:

(1) conducted by a vocational driver training school
operated to train or prepare a person for a field of endeavor in a
business, trade, technical, or industrial occupation;

(2) conducted by a school or training program that
offers only instruction of purely avocational or recreational
subjects as determined by the department ~~[commissioner]~~;

(3) sponsored by an employer to train its own
employees without charging tuition;

(4) sponsored by a recognized trade, business, or
professional organization with a closed membership to instruct the
members of the organization; or

(5) conducted by a school regulated and approved under
another law of this state.

SECTION 3. Sections 1001.003 and 1001.004, Education Code,
are amended to read as follows:

Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
BUSINESSES. It is the intent of the legislature that commission
~~[agency]~~ rules that affect driver training schools that qualify as
small businesses be adopted and administered so as to have the least
possible adverse economic effect on the schools.

Sec. 1001.004. COST OF ADMINISTERING CHAPTER. The cost of
administering this chapter shall be included in the state budget
allowance for the department ~~[agency]~~.

SECTION 4. Sections 1001.051 and 1001.052, Education Code,
are amended to read as follows:

Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department
~~[agency]~~ has jurisdiction over and control of driver training

schools regulated under this chapter.

Sec. 1001.052. RULES. The commission [~~agency~~] shall adopt [~~and administer~~] comprehensive rules governing driver training, including rules to ensure the integrity of approved driving safety courses and enhance program quality [~~driving safety courses~~].

SECTION 5. Sections 1001.053 and 1001.054, Education Code, are amended to read as follows:

Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT [~~COMMISSIONER~~]. [~~(a)~~] The department [~~commissioner~~] shall:

(1) administer [~~the policies of~~] this chapter;
 (2) enforce minimum standards for driver training schools under this chapter;

(3) [~~adopt and~~] enforce rules adopted by the commission necessary to administer this chapter; and

(4) inspect [~~visit~~] a driver training school or course provider and reexamine the school or course provider for compliance with this chapter.

[~~(b) The commissioner may designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter.~~]

[~~(c) The commissioner may adopt rules to ensure the integrity of approved driving safety courses and to enhance program quality.~~]

Sec. 1001.054. RULES RESTRICTING ADVERTISING [~~OR COMPETITIVE BIDDING~~]. [~~(a) The commissioner may not adopt a rule restricting advertising or competitive bidding by a driver training school except to prohibit a false, misleading, or deceptive practice.~~]

[~~(b) The commissioner may not include in rules to prohibit false, misleading, or deceptive practices by a driver training school a rule that restricts:~~]

[~~(1) the use of an advertising medium;~~
~~(2) the outside dimensions of a printed advertisement or outdoor display;~~

[~~(3) the duration of an advertisement; or~~

[~~(4) advertisement under a trade name.~~]

[~~(c)~~] The commission [~~commissioner~~] by rule may restrict advertising by a branch location of a driver training school so that the location adequately identifies the primary location of the school in a solicitation.

SECTION 6. Section 1001.055, Education Code, is amended to read as follows:

Sec. 1001.055. DRIVER EDUCATION CERTIFICATES. (a) The department [~~agency~~] shall print and supply to each licensed or exempt driver education school driver education certificates to be used for certifying completion of an approved driver education course to satisfy the requirements of Section 521.204(a)(2), Transportation Code. The certificates must be numbered serially.

(b) The commission [~~agency~~] by rule shall provide for the design and distribution of the certificates in a manner that, to the greatest extent possible, prevents the unauthorized reproduction or misuse of the certificates.

(c) The department [~~agency~~] may charge a fee of not more than \$4 for each certificate.

SECTION 7. The heading to Section 1001.056, Education Code, is amended to read as follows:

Sec. 1001.056. UNIFORM CERTIFICATES OF DRIVING SAFETY COURSE COMPLETION.

SECTION 8. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (d), (e), (f), and (g) and adding Subsections (b-1), (c-1), and (h) to read as follows:

(b) The department [~~agency~~] shall provide [~~print and supply to~~] each licensed course provider with course completion certificate numbers to enable the provider to print and issue department-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b). [~~The certificates~~] must be serial [~~numbered serially~~].

(c) The commission [~~agency~~] by rule shall provide for the design [~~and distribution~~] of the certificates and the distribution

of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(d) A certificate under this section must:

(1) be in a form required by the department [~~agency~~]; and

(2) include an identifying number by which the department [~~agency~~], a court, or the Department of Public Safety [~~department~~] may verify its authenticity with the course provider.

(e) The department [~~agency~~] may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate for an operator shall collect from the [~~charge an~~] operator a fee equal to the amount of the fee paid to the department [~~agency~~] for the [~~a~~] certificate number.

(f) A course provider license entitles a course provider to purchase certificate numbers [~~certificates~~] for only one approved driving safety course.

(g) A course provider [~~The agency~~] shall issue a duplicate certificate by United States mail or through a commercial delivery service [~~certificates~~]. The commission [~~commissioner~~] by rule shall determine the amount of the fee collected by the course provider for issuance of a duplicate certificate under this subsection.

(h) If a duplicate certificate issued by a course provider contains information that is different from the original certificate, the course provider shall include on the duplicate certificate, in addition to the new information, the applicable information from the original certificate with the notation "changed to" indicating how the original information was changed.

SECTION 9. Section 1001.057, Education Code, is amended to read as follows:

Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY COURSE INFORMATION. The department [~~agency~~] shall investigate options to develop and implement procedures to electronically transmit information relating to driving safety courses to municipal and justice courts.

SECTION 10. Subchapter B, Chapter 1001, Education Code, is amended by adding Section 1001.058 to read as follows:

Sec. 1001.058. DESIGNATION OF PERSON TO ADMINISTER CHAPTER. The executive director may designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter for the department.

SECTION 11. Sections 1001.101 and 1001.102, Education Code, are amended to read as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. The commission [~~commissioner~~] by rule shall establish the curriculum and designate the textbooks to be used in a driver education course.

Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The commission [~~agency~~] by rule shall require that information relating to alcohol awareness and the effect of alcohol on the effective operation of a motor vehicle be included in the curriculum of any driver education course or driving safety course.

(b) In developing rules under this section, the commission [~~agency~~] shall consult with the Department of Public Safety [~~department~~].

SECTION 12. Sections 1001.103(b), (d), and (e), Education Code, are amended to read as follows:

(b) The department [~~agency~~] shall develop standards for a separate school certification and approve curricula for drug and alcohol driving awareness programs that include one or more courses. Except as provided by commission [~~agency~~] rule, a program must be offered in the same manner as a driving safety course.

(d) In accordance with Section 461.013(b), Health and Safety Code, the department [~~agency~~] and the Texas Department of

State Health Services [~~Commission on Alcohol and Drug Abuse~~] shall enter into a memorandum of understanding for the interagency approval of the required curricula.

(e) The commission [~~Notwithstanding Section 1001.056, Subchapter D, and Sections 1001.213 and 1001.303, the commissioner~~] may establish fees in connection with the programs under this section. The fees must be in amounts reasonable and necessary to administer the department's [~~agency's~~] duties under this section.

SECTION 13. Sections 1001.104 and 1001.105, Education Code, are amended to read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) The department [~~agency~~] shall enter into a memorandum of understanding with the Department of Aging and Disability Services [~~Texas Rehabilitation Commission~~] and the Department of Public Safety [~~department~~] for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

(b) The department [~~agency~~] shall administer comprehensive rules governing driver education courses adopted by mutual agreement among the commission [~~agency~~], the Department of Aging and Disability Services [~~Texas Rehabilitation Commission~~], and the Department of Public Safety [~~department~~].

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The commission [~~agency~~] shall enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

SECTION 14. Sections 1001.106(b), (c), and (d), Education Code, are amended to read as follows:

(b) The commission [~~commissioner~~] by rule shall provide minimum standards of curriculum relating to operation of vehicles at railroad and highway grade crossings.

(c) Subchapter F, Chapter 51, Occupations Code, Section 51.353, Occupations Code, and Section [~~Sections 1001.454, 1001.456 of this code[, and 1001.553]~~] do not apply to a violation of this section or a rule adopted under this section.

(d) Section 51.352, Occupations Code, and Sections [~~1001.455(a)(6), 1001.501[, 1001.551, 1001.552,~~] and 1001.554 of this code do not apply to a violation of this section.

SECTION 15. Section 1001.107, Education Code, is amended to read as follows:

Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

(a) The commission [~~commissioner~~] by rule shall require that information relating to litter prevention be included in the curriculum of each driver education and driving safety course.

(b) In developing rules under this section, the commission [~~commissioner~~] shall consult the Department of Public Safety [~~department~~].

SECTION 16. Sections 1001.108(a) and (c), Education Code, are amended to read as follows:

(a) The commission [~~commissioner~~] by rule shall require that information relating to anatomical gifts be included in the curriculum of each driver education course and driving safety course.

(c) In developing rules under this section, the commission [~~commissioner~~] shall consult with the Department of Public Safety [~~department~~] and the [~~Texas~~] Department of State Health Services.

SECTION 17. Section 1001.151, Education Code, is amended to read as follows:

Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION FEES. (a) The commission [~~commissioner~~] shall establish [~~collect~~] application, license, and registration fees. The fees must be in amounts sufficient to cover administrative costs and are nonrefundable. The department shall collect the application, license, and registration fees.

(b) The commission shall establish a fee for:

- (1) an initial driver education school license and [~~is \$1,000 plus \$850~~] for each branch location; [~~-~~]
- (2) [~~(c) The fee for~~] an initial driving safety school license; [~~is an appropriate amount established by the~~]

~~commissioner not to exceed \$200.]~~

(3) ~~[(d) The fee for]~~ an initial course provider license ~~[is an appropriate amount established by the commissioner not to exceed \$2,000]~~, except that the commission ~~[agency]~~ may waive the fee if revenue received from the course provider is sufficient to cover the cost of licensing the course provider; ~~[-]~~

(4) ~~[(e) The]~~ annual renewal ~~[fee]~~ for a course provider, driving safety school, driver education school, or branch location ~~[is an appropriate amount established by the commissioner not to exceed \$200]~~, except that the commission ~~[agency]~~ may waive the fee if revenue generated by the issuance of ~~[uniform certificates of]~~ course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure; ~~[-]~~

(5) ~~[(f) The fee for]~~ a change of address of ~~[-]~~ ~~[(1)]~~ a driver education school, ~~[is \$180, and~~ ~~[(2)]~~ a driving safety school, or course provider; ~~[is \$50.]~~

(6) ~~[(g) The fee for]~~ a change of name of:

(A) ~~[(1)]~~ a driver education school or course provider or an owner of a driver education school or course provider ~~[is \$100]; or [and]~~

(B) ~~[(2)]~~ a driving safety school or owner of a driving safety school; ~~[is \$50.]~~

(7) ~~[(h) The application fee for]~~ each additional driver education or driving safety course at a driver training school; ~~[is \$25.]~~

(8) ~~an [(i) The]~~ application of a ~~[fee for:]~~

~~[(1) each]~~ director, ~~[is \$30, and~~

~~[(2) each]~~ assistant director, or administrative staff member; ~~[is \$15.]~~

(9) ~~an [(j) Each]~~ application for approval of a driving safety course that has not been evaluated by the department; and

(10) an application for approval to teach an approved driving safety course by an alternative method ~~[commissioner must be accompanied by a nonrefundable fee of \$9,000].~~

(c) ~~[(k)]~~ An application for an original driver education or driving safety instructor license must be accompanied by a processing fee ~~[of \$50]~~ and an annual license fee ~~[of \$25]~~, except that the department ~~[commissioner]~~ may not collect the processing fee from an applicant for a driver education instructor license who is currently teaching a driver education course in a public school in this state.

(d) ~~[(l)]~~ The commission ~~[commissioner]~~ shall establish the amount of the fee for a duplicate license.

SECTION 18. Section 1001.153, Education Code, is amended to read as follows:

Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The commission ~~[commissioner]~~ shall establish the amount of the fee to investigate a driver training school or course provider to resolve a complaint against the school or course provider.

(b) The fee may be charged only if:

(1) the complaint could not have been resolved solely by telephone or in writing;

(2) a representative of the department ~~[agency]~~ visited the school or course provider as a part of the complaint resolution process; and

(3) the school or course provider was found to be at fault.

SECTION 19. Section 1001.202(b), Education Code, is amended to read as follows:

(b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location:

(1) is approved by the parent school and the department ~~[agency]~~;

(2) has the same name as the parent school; and

(3) has the same ownership as the parent school.

SECTION 20. Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code, are amended to read as follows:

Sec. 1001.203. APPLICATION. To operate or do business in this state, a driver training school must apply to the department ~~[commissioner]~~ for the appropriate license. The application must:

- (1) be in writing;
- (2) be in the form prescribed by the department ~~[commissioner]~~;
- (3) include all required information; and
- (4) be verified.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE. The department ~~[commissioner]~~ shall approve an application for a driver education school license if, on investigation of the premises of the school, it is determined that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel;

(3) has directors, instructors, and administrators who have adequate educational qualifications and experience;

(4) provides to each student before enrollment:

- (A) a copy of:
 - (i) the refund policy;
 - (ii) the schedule of tuition, fees, and other charges; and

(iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) the department's name, mailing address, ~~[and]~~ telephone number, and Internet website address ~~[of the agency]~~ for the purpose of directing complaints to the department ~~[agency]~~;

(5) maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(6) on completion of training, issues each student a certificate indicating the course name and satisfactory completion;

(7) complies with all county, municipal, state, and federal regulations, including fire, building, and sanitation codes and assumed name registration;

(8) is financially sound and capable of fulfilling its commitments for training;

(9) has administrators, directors, owners, and instructors who are of good reputation and character;

(10) maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department ~~[commissioner]~~;

(12) does not use a name similar to the name of another ~~[existing]~~ school licensed in this state or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director ~~[commissioner]~~;

(13) submits to the department ~~[agency]~~ for approval the applicable course hour lengths and curriculum content for each course offered by the school;

(14) does not owe an administrative penalty for a violation of ~~[under]~~ this chapter; and

(15) meets any additional criteria required by the department ~~[agency]~~.

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL

LICENSE. The department ~~[commissioner]~~ shall approve an application for a driving safety school license if on investigation the department ~~[agency]~~ determines that the school:

(1) has driving safety courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the course, curricula, and instruction are developed by the course provider;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality;

(3) has instructors and administrators who have adequate educational qualifications and experience;

(4) maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(5) complies with all county, municipal, state, and federal laws, including fire, building, and sanitation codes and assumed name registration;

(6) has administrators, owners, and instructors who are of good reputation and character;

(7) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department ~~[commissioner]~~;

(8) does not use a name similar to the name of another ~~[existing]~~ school licensed in this state or of a tax-supported educational establishment in this state, unless specifically approved in writing by the executive director ~~[commissioner]~~;

(9) maintains and uses the approved contract and policies developed by the course provider;

(10) does not owe an administrative penalty for a violation of ~~[under]~~ this chapter;

(11) will not provide a driving safety course to a person for less than \$25; and

(12) meets additional criteria required by the department ~~[commissioner]~~.

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE. The department ~~[commissioner]~~ shall approve an application for a course provider license if on investigation the department ~~[agency]~~ determines that:

(1) the course provider has an approved course that at least one licensed driving safety school is willing to offer;

(2) the course provider has adequate educational qualifications and experience;

(3) the course provider will:

(A) develop and provide to each driving safety school that offers the approved course a copy of:

(i) the refund policy; and

(ii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) provide to the driving safety school the department's name, mailing address, ~~[and]~~ telephone number, and Internet website address ~~[of the agency]~~ for the purpose of directing complaints to the department ~~[agency]~~;

(4) a copy of the information provided to each driving safety school under Subdivision (3) will be provided to each student by the school before enrollment;

(5) not later than the 15th working day after the date the person successfully completes the course, the course provider will mail a uniform certificate of course completion to the person indicating the course name and successful completion;

(6) the course provider maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(7) the course provider complies with all county, municipal, state, and federal laws, including assumed name registration and other applicable requirements;

(8) the course provider is financially sound and capable of fulfilling its commitments for training;

(9) the course provider is of good reputation and character;

(10) the course provider maintains and publishes as a part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) the course provider does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department ~~[commissioner]~~;

(12) the course provider does not use a name similar to the name of another ~~[existing]~~ school licensed in this state or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director ~~[commissioner]~~;

(13) the course provider does not owe an administrative penalty for a violation of ~~[under]~~ this chapter; and

(14) the course provider meets additional criteria required by the department ~~[commissioner]~~.

SECTION 21. Sections 1001.207(a) and (b), Education Code, are amended to read as follows:

(a) Before a driver education school may be issued a license, the school must file a corporate surety bond with the department ~~[commissioner]~~ in the amount of:

(1) \$10,000 for the primary location of the school; and

(2) \$5,000 for each branch location.

(b) A bond issued under Subsection (a) must be:

(1) issued in a form approved by the department ~~[commissioner]~~;

(2) issued by a company authorized to do business in this state;

(3) payable to the state to be used only for payment of a refund due to a student or potential student;

(4) conditioned on the compliance of the school and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(5) issued for a period corresponding to the term of the license.

SECTION 22. Section 1001.209(b), Education Code, is amended to read as follows:

(b) A bond issued under Subsection (a) must be:

(1) issued by a company authorized to do business in this state;

(2) payable to the state to be used:

(A) for payment of a refund due a student of the course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the department ~~[agency]~~; or

(C) to recover any ~~[the]~~ cost associated with providing ~~[of uniform certificates of]~~ course completion certificate numbers, including the cancellation of certificate numbers ~~[the agency demands be returned or any cost associated with the certificates]~~;

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 23. Section 1001.210, Education Code, is amended to read as follows:

Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the bond required by Section 1001.207 or 1001.209, a driver education school or course provider may provide another form of security that is:

(1) ~~[(A)]~~ approved by the department ~~[commissioner]~~; and

(2) ~~[(B)]~~ in the amount required for a comparable bond under Section 1001.207 or 1001.209.

SECTION 24. Sections 1001.211(a) and (b), Education Code, are amended to read as follows:

(a) The department ~~[commissioner]~~ shall issue a license to an applicant for a license under this subchapter if:

(1) the application is submitted in accordance with this subchapter; and

(2) the applicant meets the requirements of this chapter.

(b) A license must be in a form determined by the department ~~[commissioner]~~ and must show in a clear and conspicuous manner:

(1) the date of issuance, effective date, and term of the license;

(2) the name and address of the driver training school or course provider;

(3) the authority for and conditions of approval;

(4) the executive director's ~~[commissioner's]~~ signature; and

(5) any other fair and reasonable representation that is consistent with this chapter and that the department ~~[commissioner]~~ considers necessary.

SECTION 25. Section 1001.212, Education Code, is amended to read as follows:

Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department ~~[commissioner]~~ shall provide a person whose application for a license under this subchapter is denied a written statement of the reasons for the denial.

SECTION 26. Sections 1001.213(c) and (d), Education Code, are amended to read as follows:

(c) The commission may establish ~~[Instead of the]~~ fees ~~[required by Section 1001.151, the fee]~~ for a new driver education school or course provider license under Subsection (b) and ~~[is \$500, plus \$200]~~ for each branch location that are different from the amounts established under Section 1001.151~~[7]~~ if:

(1) the new owner is substantially similar to the previous owner; and

(2) there is no significant change in the management or control of the driver education school or course provider.

(d) The department ~~[commissioner]~~ is not required to reinspect a school or a branch location after a change of ownership.

SECTION 27. Section 1001.214, Education Code, is amended to read as follows:

Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may be issued to a driver training school or course provider if:

(1) the original license is lost or destroyed; and

(2) an affidavit of that fact is filed with the department ~~[agency]~~.

SECTION 28. Sections 1001.251, 1001.252, and 1001.253, Education Code, are amended to read as follows:

Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A person may not teach or provide driver education, either as an individual or in a driver education school, or conduct any phase of driver education, unless the person holds a driver education instructor license issued by the department ~~[agency]~~.

(b) A person may not teach or provide driving safety training, either as an individual or in a driving safety school, or conduct any phase of driving safety education, unless the person holds a driving safety instructor license issued by the department ~~[agency]~~. This subsection does not apply to an instructor of a driving safety course that does not provide a uniform certificate of course completion to its graduates.

Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A license under this subchapter must be signed by the executive director ~~[commissioner]~~.

Sec. 1001.253. DRIVER EDUCATION INSTRUCTOR TRAINING. (a) The department ~~[commissioner]~~ shall establish standards for certification of professional and paraprofessional personnel who conduct driver education programs in driver education schools.

(b) A driver education instructor license authorizing a person to teach or provide behind-the-wheel training may not be

issued unless the person has successfully completed six semester hours of driver and traffic safety education or a program of study in driver education approved by the department ~~[commissioner]~~ from an approved driver education school.

(c) A person who holds a driver education instructor license authorizing behind-the-wheel training may not be approved to assist a classroom instructor in the classroom phase of driver education unless the person has successfully completed the three additional semester hours of training required for a classroom instructor or a program of study in driver education approved by the department ~~[commissioner]~~.

(d) Except as provided by Section 1001.254, a driver education instructor license authorizing a person to teach or provide classroom training may not be issued unless the person:

(1) has completed nine semester hours of driver and traffic safety education or a program of study in driver education approved by the department ~~[commissioner]~~ from an approved driver education school; and

(2) holds a teaching certificate and any additional certification required to teach driver education.

(e) A driver education instructor who has completed the educational requirements prescribed by Subsection (d)(1) may not teach instructor training classes unless the instructor has successfully completed a supervising instructor development program consisting of at least six additional semester hours or a program of study in driver education approved by the department ~~[commissioner]~~ that includes administering driver education programs and supervising and administering traffic safety education.

(f) A driver education school may submit for department ~~[agency]~~ approval a curriculum for an instructor development program for driver education instructors. The program must:

(1) be taught by a person who has completed a supervising instructor development program under Subsection (e); and

(2) satisfy the requirements of this section for the particular program or type of training to be provided.

SECTION 29. Section 1001.254(a), Education Code, is amended to read as follows:

(a) A temporary driver education instructor license may be issued authorizing a person to teach or provide classroom driver education training if the person:

(1) has completed the educational requirements prescribed by Section 1001.253(d)(1);

(2) holds a Texas teaching certificate with an effective date before February 1, 1986;

(3) meets all license requirements, other than successful completion of the examination required under rules adopted by the State Board for Educator Certification to revalidate the teaching certificate; and

(4) demonstrates, in a manner prescribed by the department ~~[commissioner]~~, the intention to comply with the examination requirement at the first available opportunity.

SECTION 30. Sections 1001.255(a), (b), and (c), Education Code, are amended to read as follows:

(a) The department ~~[agency]~~ shall regulate as a driver education school a driver education instructor who:

(1) teaches driver education courses in a county having a population of 50,000 or less; and

(2) does not teach more than 200 students annually.

(b) An instructor described by Subsection (a) must submit to the department ~~[agency]~~ an application for an initial or renewal driver education school license, together with all required documentation and information.

(c) The department ~~[commissioner]~~ may waive initial or renewal driver education school license fees or the fee for a director or administrative staff member.

SECTION 31. Section 1001.256, Education Code, is amended to read as follows:

11-1 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
 11-2 be issued to a driver education instructor or driving safety
 11-3 instructor if:

- 11-4 (1) the original license is lost or destroyed; and
- 11-5 (2) an affidavit of that fact is filed with the
 11-6 department [agency].

11-7 SECTION 32. The heading to Subchapter G, Chapter 1001,
 11-8 Education Code, is amended to read as follows:

11-9 SUBCHAPTER G. LICENSE EXPIRATION ~~[AND RENEWAL]~~

11-10 SECTION 33. Sections 1001.351(a) and (b), Education Code,
 11-11 are amended to read as follows:

11-12 (a) Not later than the 15th working day after the course
 11-13 completion date, a course provider or a person at the course
 11-14 provider's facilities shall issue and send [mail] a uniform
 11-15 certificate of course completion by United States mail or through a
 11-16 commercial delivery service to a person who successfully completes
 11-17 an approved driving safety course.

11-18 (b) A course provider shall electronically submit to the
 11-19 department [agency] in the manner established by the department
 11-20 [agency] data identified by the department [agency] relating to
 11-21 uniform certificates of course completion issued by the course
 11-22 provider.

11-23 SECTION 34. Sections 1001.354(a) and (b), Education Code,
 11-24 are amended to read as follows:

11-25 (a) A driving safety course may be taught at a driving
 11-26 safety school if the school is approved by the department [agency].

11-27 (b) A driving safety school may teach an approved driving
 11-28 safety course by an alternative method ~~[that does not require~~
 11-29 ~~students to be present in a classroom]~~ if the department
 11-30 [commissioner] approves the alternative method. The department
 11-31 [commissioner] may approve the alternative method if:

11-32 (1) the department [commissioner] determines that the
 11-33 approved driving safety course can be taught by the alternative
 11-34 method; and

11-35 (2) the alternative method includes testing and
 11-36 security measures that are at least as secure as the methods that
 11-37 would be used if the course were taught at the school and that are
 11-38 comparable to those [measures] available in a [the] usual classroom
 11-39 setting.

11-40 SECTION 35. Sections 1001.404(b) and (c), Education Code,
 11-41 are amended to read as follows:

11-42 (b) The department [commissioner] shall establish annually
 11-43 the rate of interest for a refund at a rate sufficient to provide a
 11-44 deterrent to the retention of student money.

11-45 (c) The department [agency] may except a driver education
 11-46 school or course provider from the payment of interest if the school
 11-47 or course provider makes a good-faith effort to refund tuition,
 11-48 fees, and other charges but is unable to locate the student to whom
 11-49 the refund is owed. On request of the department [agency], the
 11-50 school or course provider shall document the effort to locate a
 11-51 student.

11-52 SECTION 36. Sections 1001.451 and 1001.452, Education Code,
 11-53 are amended to read as follows:

11-54 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

11-55 (1) use advertising designed to mislead or deceive a
 11-56 prospective student;

11-57 (2) fail to notify the department [commissioner] of
 11-58 the discontinuance of the operation of a driver training school
 11-59 before the fourth working day after the date of cessation of classes
 11-60 and make available accurate records as required by this chapter;

11-61 (3) issue, sell, trade, or transfer:

11-62 (A) a uniform certificate of course completion or
 11-63 driver education certificate to a person or driver training school
 11-64 not authorized to possess the certificate;

11-65 (B) a uniform certificate of course completion to
 11-66 a person who has not successfully completed an approved, six-hour
 11-67 driving safety course; or

11-68 (C) a driver education certificate to a person
 11-69 who has not successfully completed a department-approved

12-1 ~~[commissioner-approved]~~ driver education course;

12-2 (4) negotiate a promissory instrument received as
12-3 payment of tuition or another charge before the student completes
12-4 75 percent of the course, except that before that time the
12-5 instrument may be assigned to a purchaser who becomes subject to any
12-6 defense available against the school named as payee; or

12-7 (5) conduct any part of an approved driver education
12-8 course or driving safety course without having an instructor
12-9 physically present in appropriate proximity to the student for the
12-10 type of instruction being given.

12-11 Sec. 1001.452. COURSE OF INSTRUCTION. A driver training
12-12 school may not maintain, advertise, solicit for, or conduct a
12-13 course of instruction in this state before the later of:

12-14 (1) the 30th day after the date the school applies for
12-15 a driver training school license; or

12-16 (2) the date the school receives a driver training
12-17 school license from the department ~~[commissioner]~~.

12-18 SECTION 37. Sections 1001.453(d) and (e), Education Code,
12-19 are amended to read as follows:

12-20 (d) Subchapter F, Chapter 51, Occupations Code, Section
12-21 51.353, Occupations Code, and Section [Sections 1001.454,
12-22 1001.456(a) of this code [and 1001.553] do not apply to a
12-23 violation of this section or a rule adopted under this section.

12-24 (e) Section 51.352, Occupations Code, and Sections
12-25 [1001.455(a)(6), 1001.501[, 1001.551, 1001.552,] and 1001.554 of
12-26 this code do not apply to a violation of this section.

12-27 SECTION 38. Section 1001.456, Education Code, is amended to
12-28 read as follows:

12-29 Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the
12-30 department ~~[agency]~~ believes that a driver education school or
12-31 instructor has violated this chapter or a rule or order of the
12-32 commission or executive director [adopted under this chapter], the
12-33 department ~~[agency]~~ may, without notice:

12-34 (1) order a peer review;
12-35 (2) suspend the enrollment of students in the school
12-36 or the offering of instruction by the instructor; or
12-37 (3) suspend the right to purchase driver education
12-38 certificates.

12-39 (b) If the department ~~[agency]~~ believes that a course
12-40 provider, driving safety school, or driving safety instructor has
12-41 violated this chapter or a rule or order of the commission or
12-42 executive director [adopted under this chapter], the department
12-43 ~~[agency]~~ may, without notice:

12-44 (1) order a peer review of the course provider,
12-45 driving safety school, or driving safety instructor;

12-46 (2) suspend the enrollment of students in the school
12-47 or the offering of instruction by the instructor; or

12-48 (3) suspend the right to purchase ~~[uniform~~
12-49 ~~certificates of]~~ course completion certificate numbers.

12-50 (c) A peer review ordered under this section must be
12-51 conducted by a team of knowledgeable persons selected by the
12-52 department ~~[agency]~~. The team shall provide the department
12-53 ~~[agency]~~ with an objective assessment of the content of the
12-54 school's or course provider's curriculum and its application. The
12-55 school or course provider shall pay the costs of the peer review.

12-56 (d) A suspension of enrollment under Subsection (a)(2) or
12-57 (b)(2) means a ruling by the executive director ~~[commissioner]~~ that
12-58 restricts a school from:

12-59 (1) accepting enrollments or reenrollments;
12-60 (2) advertising;
12-61 (3) soliciting; or
12-62 (4) directly or indirectly advising prospective
12-63 students of its program or course offerings.

12-64 SECTION 39. The heading to Subchapter L, Chapter 1001,
12-65 Education Code, is amended to read as follows:

12-66 SUBCHAPTER L. PENALTIES ~~[AND ENFORCEMENT PROVISIONS]~~

12-67 SECTION 40. Sections 1001.555(a), (b), and (c), Education
12-68 Code, are amended to read as follows:

12-69 (a) A person commits an offense if the person knowingly

13-1 sells, trades, issues, or otherwise transfers, or possesses with
 13-2 intent to sell, trade, issue, or otherwise transfer, a uniform
 13-3 certificate of course completion, including a duplicate
 13-4 certificate, a course completion certificate number, including a
 13-5 duplicate number, or a driver education certificate to an
 13-6 individual, firm, or corporation not authorized to possess the
 13-7 certificate or number.

13-8 (b) The department [~~agency~~] shall contract with the
 13-9 Department of Public Safety [~~department~~] to provide undercover and
 13-10 investigative assistance in the enforcement of Subsection (a).

13-11 (c) A person commits an offense if the person knowingly
 13-12 possesses a uniform certificate of course completion, including a
 13-13 duplicate certificate, a course completion certificate number,
 13-14 including a duplicate number, or a driver education certificate and
 13-15 is not authorized to possess the certificate or number.

13-16 SECTION 41. Article 45.0511(b), Code of Criminal Procedure,
 13-17 is amended to read as follows:

13-18 (b) The judge shall require the defendant to successfully
 13-19 complete a driving safety course approved by the Texas Department
 13-20 of Licensing and Regulation [~~Education Agency~~] or a course under
 13-21 the motorcycle operator training and safety program approved by the
 13-22 designated state agency under Chapter 662, Transportation Code, if:

13-23 (1) the defendant elects driving safety course or
 13-24 motorcycle operator training course dismissal under this article;

13-25 (2) the defendant has not completed an approved
 13-26 driving safety course or motorcycle operator training course, as
 13-27 appropriate, within the 12 months preceding the date of the
 13-28 offense;

13-29 (3) the defendant enters a plea under Article 45.021
 13-30 in person or in writing of no contest or guilty on or before the
 13-31 answer date on the notice to appear and:

13-32 (A) presents in person or by counsel to the court
 13-33 a request to take a course; or

13-34 (B) sends to the court by certified mail, return
 13-35 receipt requested, postmarked on or before the answer date on the
 13-36 notice to appear, a written request to take a course;

13-37 (4) the defendant has a valid Texas driver's license or
 13-38 permit;

13-39 (5) the defendant is charged with an offense to which
 13-40 this article applies, other than speeding 25 miles per hour or more
 13-41 over the posted speed limit; and

13-42 (6) the defendant provides evidence of financial
 13-43 responsibility as required by Chapter 601, Transportation Code.

13-44 SECTION 42. Section 51.308, Education Code, is amended to
 13-45 read as follows:

13-46 Sec. 51.308. DRIVER EDUCATION. A driver education course
 13-47 for the purpose of preparing students to obtain a driver's license
 13-48 may be offered by an institution of higher education, as defined by
 13-49 Section 61.003, with the approval of the Texas [~~Central~~] Education
 13-50 Agency.

13-51 SECTION 43. Section 521.1655(a), Transportation Code, is
 13-52 amended to read as follows:

13-53 (a) A driver education school licensed under Chapter 1001,
 13-54 Education Code, [~~the Texas Driver and Traffic Safety Education Act~~
 13-55 ~~(Article 4413(29c), Vernon's Texas Civil Statutes)]~~ may administer
 13-56 to a student of that school the vision, highway sign, and traffic
 13-57 law parts of the examination required by Section 521.161.

13-58 SECTION 44. Section 521.203, Transportation Code, is
 13-59 amended to read as follows:

13-60 Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The
 13-61 department may not issue a Class A or Class B driver's license to a
 13-62 person who:

13-63 (1) is under 17 years of age;

13-64 (2) is under 18 years of age unless the person has
 13-65 completed a driver training course approved by the Texas Department
 13-66 of Licensing and Regulation or the Texas [~~Central~~] Education
 13-67 Agency; or

13-68 (3) has not provided the department with an affidavit,
 13-69 on a form prescribed by the department, that states that no vehicle

that the person will drive that requires a Class A or Class B license is a commercial motor vehicle as defined by Section 522.003.

SECTION 45. Sections 521.205(b) and (d), Transportation Code, are amended to read as follows:

(b) The department may not approve a course unless it determines that the course materials are at least equal to those required in a course approved by the Texas Department of Licensing and Regulation or the Texas Education Agency, except that the department may not require that:

(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the Texas Department of Licensing and Regulation or the Texas Education Agency.

SECTION 46. Sections 1001.001(1), 1001.152, 1001.303, 1001.304, 1001.454, 1001.455, 1001.457, 1001.458, 1001.459, 1001.460, 1001.461, 1001.551, 1001.552, and 1001.553, Education Code, and Subchapter B, Chapter 543, Transportation Code, are repealed.

SECTION 47. (a) As soon as practicable after the effective date of this Act, the Texas Education Agency and the Texas Department of Licensing and Regulation shall develop a transition plan for transferring the functions performed by the Texas Education Agency under Chapter 1001, Education Code, to the Texas Department of Licensing and Regulation. The transition plan must include a timetable with specific steps and deadlines needed to complete the transfer.

(b) In accordance with the transition plan developed by the Texas Education Agency and the Texas Department of Licensing and Regulation under Subsection (a) of this section, on September 1, 2005:

(1) all functions and activities relating to Chapter 1001, Education Code, performed by the Texas Education Agency immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the commissioner of education that relates to Chapter 1001, Education Code, is a rule or form of the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable, and remains in effect until amended or replaced by that commission or department;

(3) a reference to the Texas Education Agency in a law or administrative rule that relates to Chapter 1001, Education Code, means the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable;

(4) a complaint, investigation, or other proceeding before the Texas Education Agency that is related to Chapter 1001, Education Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Education Agency in an action or proceeding to which the Texas Education Agency is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Education Agency related to Chapter 1001, Education Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Education Agency related to Chapter 1001, Education Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Education Agency related to Chapter 1001, Education Code, is transferred to

15-1 the Texas Department of Licensing and Regulation.

15-2 (c) In accordance with the transition plan developed by the
15-3 Texas Education Agency and the Texas Department of Licensing and
15-4 Regulation under Subsection (a) of this section, on September 1,
15-5 2005, all full-time equivalent employee positions at the Texas
15-6 Education Agency that primarily concern the administration of
15-7 Chapter 1001, Education Code, become positions at the Texas
15-8 Department of Licensing and Regulation. When filling the
15-9 positions, the Texas Department of Licensing and Regulation shall
15-10 give first consideration to an applicant who, as of August 31, 2005,
15-11 was a full-time employee at the Texas Education Agency primarily
15-12 involved in administering Chapter 1001, Education Code.

15-13 (d) Before September 1, 2005, the Texas Education Agency may
15-14 agree with the Texas Department of Licensing and Regulation to
15-15 transfer any property of the Texas Education Agency to the Texas
15-16 Department of Licensing and Regulation to implement the transfer
15-17 required by this Act.

15-18 (e) In the period beginning with the effective date of this
15-19 Act and ending on September 1, 2005, the Texas Education Agency
15-20 shall continue to perform functions and activities under Chapter
15-21 1001, Education Code, as if that chapter had not been amended by
15-22 this Act, and the former law is continued in effect for that
15-23 purpose.

15-24 SECTION 48. The changes in law made by this Act apply only
15-25 to a fee charged on or after September 1, 2005. A fee charged before
15-26 September 1, 2005, is governed by the law in effect immediately
15-27 before that date, and the former law is continued in effect for that
15-28 purpose.

15-29 SECTION 49. The changes in law made by this Act apply only
15-30 to a license issued or renewed on or after September 1, 2005. An
15-31 issuance or renewal that occurs before September 1, 2005, is
15-32 governed by the law in effect immediately before that date, and the
15-33 former law is continued in effect for that purpose.

15-34 SECTION 50. This Act takes effect immediately if it
15-35 receives a vote of two-thirds of all the members elected to each
15-36 house, as provided by Section 39, Article III, Texas Constitution.
15-37 If this Act does not receive the vote necessary for immediate
15-38 effect, this Act takes effect September 1, 2005.

15-39 * * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 468
By Hegar / Jackson
(Author/Senate Sponsor)
May 12, 2005
(date)

TRANSPORTATION AND HOMELAND
SECURITY

We, your Committee on _____, to which was referred the attached measure,
have on May 11, 2005, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☐ the caption remained the same as original measure
☒ the caption changed with adoption of the substitute

☐ do pass as substituted, and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Staples, Chairman	<input checked="" type="checkbox"/>			
Senator Barrientos, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Brimer	<input checked="" type="checkbox"/>			
Senator Ellis	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Madla			<input checked="" type="checkbox"/>	
Senator Shapiro			<input checked="" type="checkbox"/>	
Senator Shapleigh	<input checked="" type="checkbox"/>			
Senator Wentworth	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>7</u>		<u>2</u>	

COMMITTEE ACTION

- ☒ S260 Considered in public hearing
☒ S270 Testimony taken

[Signature]
COMMITTEE CLERK

[Signature]
CHAIR

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

HB 468

SENATE COMMITTEE REPORT

Transportation & Homeland Security

May 11, 2005 - 8:00AM

ON: Kuntz, Jr., William H. Executive Director (Texas Department of Licensing and Regulation), Austin, TX

Registering, but not testifying:

On: Murphy, Margaret Policy Analyst (Sunset Commission Staff), Austin, TX

BILL ANALYSIS

Senate Research Center
79R10129 JRJ-F

H.B. 468
By: Hegar (Jackson)
Transportation & Homeland Security
5/2/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Education Agency (TEA) must print and issue certificates of completion for driver training courses. The system is logistically inefficient for both TEA and course providers.

H.B. 468 requires that the TEA supply the course provider with a series of course completion certificate numbers that the course provider will use to print agency-approved certificates of course completion.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Education Agency and to the commissioner of education is modified in SECTION 1 (Section 1001.056, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1001.056, Education Code, by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1), (c-1), and (h), as follows:

(b) Requires the Texas Education Agency (TEA) to provide each licensed driving safety course provider with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion, rather than to print and supply each licensed course provider uniform certificates of course completion.

(b-1) Requires the certificate numbering under Subsection (b) to be serial, rather than requiring the certificates to be numbered serially.

(c) Requires TEA, by rule, to provide for the design of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers. Deletes existing text relating to the distribution of the certificates.

(c-1) Requires a course provider to provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or misuse of the certificates.

(e) Authorizes TEA to charge a fee of not more than \$4 for each course completion certificate number. Requires a course provider that supplies a certificate for an operator to collect from the operator a fee equal to the amount of the fee paid to the agency for the certificate number. Makes conforming changes.

(f) Provides that a course provider license entitles a course provider to purchase certificate numbers, rather than certificates, for only one approved driving safety course.

(g) Requires a course provider, rather than TEA, to issue a duplicate certificate by United States mail or through a commercial delivery service, rather than issue duplicate certificates. Requires the commissioner of education (commissioner), by rule, to determine the amount of the fee collected by the course provider for issuance of a duplicate certificate under this subsection.

(h) Requires the course provider, if a duplicate certificate issued by a course provider contains information that is different from the original certificate, to include on the duplicate certificate, in addition to the new information, the applicable information from the original certificate with the notation "changed to" indicating how the original certificate was changed.

SECTION 2. Amends Section 1001.151(e), Education Code, to make conforming changes.

SECTION 3. Amends Section 1001.209(b), Education Code, to require a bond issued under Subsection (a) to be payable to the state to be used to recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers, rather than to recover the cost of uniform certificates of course completion TEA demands be returned or any cost associated with the certificates.

SECTION 4. Amends Sections 1001.351(a) and (b), Education Code, as follows:

(a) Requires, not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities to issue and send, rather than mail, a uniform certificate of course completion by United States mail or through a commercial delivery service to a person who successfully completes an approved driving safety course.

(b) Requires a course provider to electronically submit to TEA in the manner established by TEA data identified by TEA relating to uniform certificates of course completion issued by the course provider.

SECTION 5. Amends Section 1001.456(b), Education Code, by making a conforming change.

SECTION 6. Amends Sections 1001.555(a) and (c), Education Code, as follows:

(a) Provides that a person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, including a duplicate certificate, a course completion certificate number, including duplicate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(c) Makes conforming changes.

SECTION 7. Effective date: September 1, 2005.

BILL ANALYSIS

Senate Research Center
79R16036 JRJ-F

C.S.H.B. 468
By: Hegar (Jackson, Mike)
Transportation & Homeland Security
5/12/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Education Agency (TEA) regulates driver education under a private driver training program. TEA must also print and issue certificates of completion for driver training courses. The system is logistically inefficient for both TEA and course providers.

C.S.H.B. 468 maintains the provisions of the house bill to allow for electronic course completion certificates for driving safety courses by requiring that the Texas Department of Licensing and Registration (TDLR) supply course providers with a series of course completion certificate numbers that the driver training providers will use to print agency-approved certificates of course completion. C.S.H.B. 468 requires the course providers to print and distribute both original certificates and duplicate certificates in a manner that prevents unauthorized production or misuse of the certificates. It also requires that course providers issue and send certificates of course completion via United States mail or through a commercial delivery service.

This legislation also adds the Sunset Commission's recommendations related to TEA's private driver training program. C.S.H.B. 468 transfers the private driver training program from TEA to TDLR. Transferring this program will allow TEA to focus its efforts on education goals rather than the regulation of a private industry, and TDLR, with its expertise in licensing and protecting the public interest, is the most appropriate agency to handle these functions. TEA will continue to regulate and oversee driver education courses and instructors in Texas public schools.

The substitute eliminates the driver training fee caps in statute, except the \$4 fee for certificates of completion. The driver training statute currently includes specific fees for program activities including licensing, enforcement, compliance, and penalties. The substitute removes these fee caps and requires the Texas Commission of Licensing and Regulation to adopt rules setting the appropriate fees for each licensing and regulatory function. Eliminating statutory fee caps allows for greater administrative flexibility, and is consistent with a provision in the General Appropriations Act that requires agencies to set fee amounts necessary to cover the costs of regulating an industry.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Education Agency is transferred to the Texas Commission of Licensing and Regulation in SECTION 3 (Section 1001.003, Education Code), SECTION 4 (Section 1001.052, Education Code), SECTION 6 (Section 1001.055, Education Code), SECTION 8 (Section 1001.056, Education Code), SECTION 11 (Section 1001.102, Education Code), and SECTION 13 (Section 1001.104, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is transferred to the Texas Commission of Licensing and Regulation in SECTION 5 (Section 1001.054, Education Code), SECTION 8 (Section 1001.056, Education Code), SECTION 11 (Section 1001.101, Education Code), SECTION 14 (Section 1001.106, Education Code), SECTION 15 (Section 1001.107, Education Code), and SECTION 16 (Section 1001.108, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 5 (Section 1001.053, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Rehabilitation Commission is transferred to the Department of Aging and Disability Services in SECTION 13 (Section 1001.104, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1001.001, Education Code, to redefine "approved driving safety course," "course provider," and "department." Defines "commission" and "executive director." Deletes the definition of "commissioner."

SECTION 2. Amends Section 1001.002(c), Education Code, to exempt a driver education course from this chapter if the course is conducted by a school or training program that offers only instruction of purely avocational or recreational subjects, as determined by the Texas Department of Licensing and Regulation (TDLR), rather than by the commissioner of education.

SECTION 3. Amends Sections 1001.003 and 1001.004, Education Code, as follows:

Sec. 1001.003. **LEGISLATIVE INTENT REGARDING SMALL BUSINESSES.** Provides that it is the intent of the legislature that the rules of the Texas Commission of Licensing and Regulation (commission), rather than of the Texas Education Agency (TEA), that affect driver training schools that qualify as small businesses be adopted and administered so as to have the least possible adverse economic effect on the schools.

Sec. 1001.004. **COST OF ADMINISTERING CHAPTER.** Requires the cost of administering this chapter to be included in the state budget allowance for TDLR, rather than TEA.

SECTION 4. Amends Sections 1001.051 and 1001.052, Education Code, as follows:

Sec. 1001.051. **JURISDICTION OVER SCHOOLS.** Provides that TDLR, rather than TEA, has jurisdiction over and control of driver training schools regulated under this chapter.

Sec. 1001.052. **RULES.** Requires the commission, rather than TEA, to adopt comprehensive rules governing driver training, including rules to ensure the integrity of approved driving safety courses and enhance program quality. Deletes existing text requiring TEA to administer comprehensive rules governing driving safety courses.

SECTION 5. Amends Sections 1001.053 and 1001.054, Education Code, as follows:

Sec. 1001.053. New heading: **POWERS AND DUTIES OF DEPARTMENT.** Requires TDLR, rather than the commissioner of education, to perform certain amended functions, including enforcing rules adopted by the commission. Deletes existing text of Subsections (b) and (c), and makes nonsubstantive changes.

Sec. 1001.054. New heading: **RULES RESTRICTING ADVERTISING.** Authorizes the commission, rather than the commissioner of education, by rule to restrict advertising by a branch location of a driver training school in a certain way. Deletes existing text of Subsections (a) and (b). Makes a nonsubstantive change.

SECTION 6. Amends Section 1001.055, Education Code, as follows:

Sec. 1001.055. **DRIVER EDUCATION CERTIFICATES.** Requires TDLR, rather than TEA, to print and supply to each licensed or exempt driver education school certain driver education certificates. Requires the commission, rather than TEA, by rule to provide for the design and distribution of the certificates in a certain manner. Makes a conforming change.

SECTION 7. Amends the heading to Section 1001.056, Education Code, to read as follows:

Sec. 1001.056. **UNIFORM CERTIFICATES OF DRIVING SAFETY COURSE COMPLETION.**

SECTION 8. Amends Section 1001.056, Education Code, by amending Subsections (b), (c), (d), (e), (f), and (g) and adding Subsections (b-1), (c-1), and (h), as follows:

(b) Requires TDLR, rather than TEA, to provide each licensed driving safety course provider with course completion certificate numbers to enable the provider to print and issue TDLR-approved uniform certificates of course completion, rather than to print and supply each licensed course provider uniform certificates of course completion.

(b-1) Requires the certificate numbering under Subsection (b) to be serial, rather than requiring the certificates to be numbered serially.

(c) Requires the commission, rather than TEA, by rule, to provide for the design of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers. Deletes existing text relating to the distribution of the certificates.

(c-1) Requires a course provider to provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or misuse of the certificates.

(d) Requires a certificate under this section to be in a form required by TDLR, rather than TEA. Makes conforming and nonsubstantive changes.

(e) Authorizes TDLR, rather than TEA, to charge a fee of not more than \$4 for each course completion certificate number. Requires a course provider that supplies a certificate for an operator to collect from the operator a fee equal to the amount of the fee paid to TDLR for the certificate number. Makes conforming changes.

(f) Provides that a course provider license entitles a course provider to purchase certificate numbers, rather than certificates, for only one approved driving safety course.

(g) Requires a course provider, rather than TEA, to issue a duplicate certificate by United States mail or through a commercial delivery service, rather than issue duplicate certificates. Requires the commission, rather than the commissioner of education, by rule, to determine the amount of the fee collected by the course provider for issuance of a duplicate certificate under this subsection.

(h) Requires the course provider, if a duplicate certificate issued by a course provider contains information that is different from the original certificate, to include on the duplicate certificate, in addition to the new information, the applicable information from the original certificate with the notation "changed to" indicating how the original certificate was changed.

SECTION 9. Amends Section 1001.057, Education Code, to require TDLR, rather than TEA, to investigate options to develop and implement procedures to electronically transmit information relating to driving safety courses to municipal and justice courts.

SECTION 10. Amends Subchapter B, Chapter 1001, Education Code, by adding Section 1001.058, as follows:

Sec. 1001.058. DESIGNATION OF PERSON TO ADMINISTER CHAPTER. Authorizes the executive director of TDLR (executive director) to designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter for TDLR.

SECTION 11. Amends Sections 1001.101 and 1001.102, Education Code, as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. Requires the commission, rather than the commissioner of education, by rule to establish the curriculum and designate the textbooks to be used in a driver education course.

Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. Requires the commission by rule to require that certain information related to alcohol and driving be included in the curriculum of any driver education course or driving safety course. Makes conforming changes.

SECTION 12. Amends Sections 1001.103(b), (d), and (e), Education Code, as follows:

(b) Requires TDLR, rather than TEA, to develop standards for a separate school certification and approve curricula for drug and alcohol driving awareness programs. Requires a program to be offered in the same manner as a driving safety course, except as provided by commission rule, rather than TEA rule.

(d) Requires TDLR and the Texas Department of State Health Services, rather than TEA and the Texas Commission on Alcohol and Drug Abuse, to enter into a memorandum of understanding for the interagency approval of the required curricula.

(e) Authorizes the commission, rather than the commissioner of education notwithstanding certain provisions, to establish fees in connection with the programs under this section. Requires the fees to be in amounts reasonable and necessary to administer TDLR's, rather than TEA's, duties under this section.

SECTION 13. Amends Sections 1001.104 and 1001.105, Education Code, as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) Requires TDLR, rather than TEA, to enter into a memorandum of understanding with the Department of Aging and Disability Services, rather than the Texas Rehabilitation Commission, and the Department of Public Safety (DPS) for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education. Makes a conforming change.

(b) Requires TDLR, rather than TEA, to administer comprehensive rules governing drive education courses, adopted by mutual agreement among the commission, rather than TEA, the Department of Aging and Disability Services, rather than the Texas Rehabilitation Commission, and DPS. Makes a conforming change.

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. Requires the commission, rather than TEA, to enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

SECTION 14. Amends Sections 1001.106(b), (c), and (d), Education Code, as follows:

(b) Requires the commission, rather than the commissioner of education, by rule to provide minimum standards of curriculum relating to operation of vehicles at railroad and highway grade crossings.

(c) Provides that Subchapter F (Administrative Penalty), Chapter 51, Occupations Code and Section 51.353 (Administrative Sanctions), Occupations Code, do not apply to a violation of this section or a rule adopted under this section. Deletes the provision that Sections 1001.454 (Revocation of or Placement of Conditions on School or Course Provider License) and 1001.553 (Administrative Penalty) of this code do not apply to a violation of this section or a rule adopted under this section. Makes a nonsubstantive change.

(d) Provides that Section 51.352 (Injunctive Relief; Civil Penalty), Occupations Code, does not apply to a violation of this section. Deletes the provision that Sections 1001.455(a)(6) (Denial, Suspension, or Revocation of Instructor License), 1001.551 (Injunction in General), and 1001.552 (Injunction Against School), of this code do not apply to a violation of this section. Makes a nonsubstantive change.

SECTION 15. Amends Section 1001.107, Education Code, to require the commission, rather than the commissioner of education, by rule to require that information relating to litter prevention be included in the curriculum of each driver education and driving safety course. Makes conforming changes.

SECTION 16. Amends Sections 1001.108(a) and (c), Education Code, to require the commission, rather than the commissioner of education, by rule to require that information relating to anatomical gifts be included in the curriculum of each driver education course and driving safety course. Makes conforming changes.

SECTION 17. Amends Section 1001.151, Education Code, as follows:

(a) Requires the commission, rather than the commissioner of education, to establish, rather than collect, the application, license, and registration fees. Requires TDLR to collect the application, license, and registration fees.

(b) Requires the commission to establish a fee for certain licenses and activities, rather than setting forth the set fees for certain licenses and activities. Modifies for which licenses or activities a fee is required. Makes nonsubstantive and conforming changes.

(c) Redesignated from existing Subsection (k). Makes conforming changes.

(d) Redesignated from existing Subsection (l). Makes a conforming change.

SECTION 18. Amends Section 1001.153, Education Code, to require the commission, rather than the commissioner of education, to establish the amount of the fee to investigate a driver training school or course provider to resolve a complaint. Requires the fee to be charged only if a representative of TDLR, rather than TEA, visited the school or course provider as part of the complaint resolution process.

SECTION 19. Amends Section 1001.202(b), Education Code, to authorize a driving school to use multiple classroom locations to teach a driving safety course if each location is approved by the parent school and TDLR, rather than TEA.

SECTION 20. Amends Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code, as follows:

Sec. 1001.203. APPLICATION. Requires a driver training school, to operate or do business in this state, to apply to TDLR, rather than the commissioner of education, for the appropriate license. Makes a conforming change.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE. Requires TDLR, rather than the commissioner of education, to approve of an application for a driver education school license, if certain determinations are made. Includes in those determinations that the school provides to each student before enrollment certain information of the TDLR, rather than TEA, including TEA's Internet website; that the school does not use a name similar to the name of another school licensed in this state, rather than another existing school, or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director, rather than commissioner of education; and does not owe an administrative penalty for a violation of this chapter, rather than under this chapter. Makes conforming changes.

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL LICENSE. Requires TDLR, rather than the commissioner of education, to approve an application for a driving safety school license, if TDLR, rather than TEA, makes certain determinations regarding the school. Includes in those determinations that the school does not use a name similar to the name of another school licensed in this state, rather than another existing school, or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director, rather than commissioner of

education; and does not owe an administrative penalty for a violation of this chapter, rather than under this chapter. Makes conforming changes.

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE. Requires TDLR, rather than the commissioner of education, to approve an application for a course provider license if on investigation TDLR, rather than TEA, makes certain determinations. Includes in those determinations that the school provides to each student before enrollment certain information of the TDLR, rather than TEA, including TEA's Internet website; that the school does not use a name similar to the name of another school licensed in this state, rather than another existing school, or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director, rather than commissioner of education; and does not owe an administrative penalty for a violation of this chapter, rather than under this chapter. Makes conforming changes.

SECTION 21. Amends Sections 1001.207(a) and (b), Education Code, to require a driver education school, before the school may be issued a license, to file a certain bond with TDLR, rather than the commissioner of education. Makes a conforming change.

SECTION 22. Amends Section 1001.209(b), Education Code, to require a bond issued under Subsection (a) to be payable to the state to be used to cover the payment of unpaid fees or penalties assessed by TDLR, rather than TEA, and recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers, rather than to recover the cost of uniform certificates of course completion TEA demands be returned or any cost associated with the certificates.

SECTION 23. Amends Section 1001.210, Education Code, to authorize a driver education school or course provider to provide another form of security, instead of the bond, that is approved by TDLR, rather than the commissioner of education.

SECTION 24. Amends Sections 1001.211(a) and (b), Education Code, as follows:

(a) Requires TDLR, rather than the commissioner of education, to issue a license to an applicant for a license under this subchapter, if certain conditions apply.

(b) Requires the license to show in a clear and conspicuous manner the executive director's signature, rather than the commissioner of education's signature. Makes conforming changes.

SECTION 25. Amends Section 1001.212, Education Code, to require TDLR, rather than the commissioner of education, to provide a person whose application for a license under this subchapter is denied a written statement of the reasons for the denial.

SECTION 26. Amends Sections 1001.213(c) and (d), Education Code, as follows:

(c) Authorizes the commission to establish fees for a new driver education school or course provider license under Subsection (b) and for each branch location that are different from the amounts established under Section 1001.151 under certain circumstances. Deletes the provisions setting forth specific fee amounts for a new driver education school or course provider license under Subsection (b) and for each branch location under those circumstances.

(d) Provides that TDLR, rather than the commissioner of education, is not required to reinspect a school or branch location after a change of ownership.

SECTION 27. Amends Section 1001.214, Education Code, to authorize a duplicate license to be issued to a driver training school or course provider if an affidavit of that fact is filed with TDLR, rather than TEA.

SECTION 28. Amends Sections 1001.251, 1001.252, and 1001.253, Education Code, as follows:

Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. Prohibits a person from teaching or providing driver education unless the person holds a driver education instructor license issued by TDLR, rather than TEA. Makes a conforming change.

Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. Requires a license under this subchapter to be signed by the executive director, rather than the commissioner of education.

Sec. 1001.253. DRIVER EDUCATION INSTRUCTOR TRAINING. Requires TDLR, rather than the commissioner of education, to establish standards for certification of professional and paraprofessional personnel who conduct driver education programs in driver education schools. Authorizes a driver education school to submit for TDLR, rather than TEA, approval a curriculum for an instructor development program for driver education instructors. Makes conforming changes.

SECTION 29. Amends Section 1001.254(a), Education Code, to authorize a temporary driver education instructor license to be issued authorizing a person to teach or provide classroom driver education training if the person demonstrates, in a manner prescribed by TDLR, rather than the commissioner of education, the intention to comply with the examination requirement at the first available opportunity.

SECTION 30. Amends Sections 1001.255(a), (b), and (c), Education Code, as follows:

(a) Requires TDLR, rather than TEA, to regulate as a driver education school certain driver education instructors.

(b) Makes a conforming change.

(c) Authorizes TDLR, rather than the commissioner of education, to waive initial or renewal driver education school license fees or the fee for a director or administrative staff member.

SECTION 31. Amends Section 1001.256, Education Code, to authorize a duplicate license to be issued to a driver education instructor or driving safety instructor if an affidavit of that fact is filed with TDLR, rather TEA.

SECTION 32. Amends the heading to Subchapter G, Chapter 1001, Education Code, to read as follows:

SUBCHAPTER G. LICENSE EXPIRATION

SECTION 33. Amends Sections 1001.351(a) and (b), Education Code, as follows:

(a) Requires, not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities to issue and send, rather than mail, a uniform certificate of course completion by United States mail or through a commercial delivery service to a person who successfully completes an approved driving safety course.

(b) Requires a course provider to electronically submit to TDLR, rather than TEA, in the manner established by TDLR data identified by TDLR relating to uniform certificates of course completion issued by the course provider. Makes conforming changes.

SECTION 34. Amends Sections 1001.354(a) and (b), Education Code, as follows:

(a) Authorizes a driving safety course to be taught at a driving safety school if the school is approved by TDLR, rather than TEA.

(b) Authorizes a driving safety school to teach an approved driving safety course by an alternative method, rather than an alternative method that does not require students to be

present in the classroom, if TDLR, rather than the commissioner of education, approves the alternative method. Authorizes TDLR to approve the alternative method if the alternative method includes testing and security measures that are at least as secure as the methods that would be used if the course were taught at the school and that are comparable to those available in a usual classroom setting, rather than at least as secure as the measures available in the usual classroom setting. Makes conforming changes.

SECTION 35. Amends Sections 1001.404(b) and (c), Education Code, as follows:

(b) Requires TDLR, rather than the commissioner of education, to establish annually the rate of interest for a refund at a rate sufficient to provide a deterrent to the retention of student money.

(c) Authorizes TDLR, rather than TEA, to except a driver education school or course provider from the payment of interest under certain circumstances. Makes a conforming change.

SECTION 36. Amends Sections 1001.451 and 1001.452, Education Code, as follows:

Sec. 1001.451. **PROHIBITED PRACTICES.** Prohibits a person from failing to notify TDLR, rather than the commissioner of education, of the discontinuance of the operation of a driver training school before the fourth working day after the date of cessation of classes and make available accurate records and required by this chapter. Makes a conforming change.

Sec. 1001.452. **COURSE OF INSTRUCTION.** Prohibits a driver training school from maintaining, advertising, soliciting for, or conducting a course of instruction in this state before the date the school receives a driver training school license from TDLR, rather than the commissioner of education.

SECTION 37. Amends Sections 1001.453(d) and (e), Education Code, as follows:

(d) Provides that Subchapter F (Administrative Penalty), Chapter 51, Occupations Code and Section 51.353 (Administrative Sanctions), Occupations Code, do not apply to a violation of this section or a rule adopted under this section. Deletes the provision that Sections 1001.454 (Revocation of or Placement of Conditions on School or Course Provider License) and 1001.553 (Administrative Penalty) of this code do not apply to a violation of this section or a rule adopted under this section. Makes a nonsubstantive change.

(e) Provides that Section 51.352 (Injunctive Relief; Civil Penalty), Occupations Code, does not apply to a violation of this section. Deletes the provision that Sections 1001.455(a)(6) (Denial, Suspension, or Revocation of Instructor License), 1001.551 (Injunction in General), and 1001.552 (Injunction Against School), of this code do not apply to a violation of this section. Makes a nonsubstantive change.

SECTION 38. Amends Section 1001.456, Education Code, as follows:

(a) Authorizes TDLR, rather than TEA, to take certain actions without notice if TDLR believes that a driver education school or instructor has violated this chapter or a rule or order of the commission or executive director, rather than a rule adopted under this chapter. Makes a conforming change.

(b) Authorizes TDLR, if TDLR believes that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule or order of the commission or executive director adopted under this chapter, to take certain actions without notice, including suspending the right to purchase course completion certificate numbers, rather than uniform certificates of course completion. Makes conforming changes.

(c) Makes conforming changes.

(d) Provides that a suspension of enrollment under certain provisions means a ruling of the executive director, rather than the commissioner, that restricts a school from certain activities.

SECTION 39. Amends the heading to Subchapter L, Chapter 1001, Education Code, to read as follows:

SUBCHAPTER L. PENALTIES

SECTION 40. Amends Sections 1001.555(a), (b), and (c), Education Code, as follows:

(a) Provides that a person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, including a duplicate certificate, a course completion certificate number, including duplicate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(b) Requires TDLR, rather than TEA, to contract with DPS to provide undercover and investigative assistance in the enforcement of Subsection (a).

(c) Makes conforming changes.

SECTION 41. Amends Article 45.0511(b), Code of Criminal Procedure, to require the judge to require the defendant to successfully complete a driving safety course approved by TDLR, rather than TEA, under certain circumstances.

SECTION 42. Amends Section 51.308, Education Code, to authorize a driver education course for the purpose of preparing students to obtain a driver's license to be offered by an institution of higher education with the approval of TEA, rather than the Central Education Agency.

SECTION 43. Amends Section 521.1655(a), Transportation Code, to clarify that a driver education school is licensed under Chapter 1001, Education Code, rather than the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.).

SECTION 44. Amends Section 521.203, Transportation Code, to prohibit DPS from issuing certain driver's licenses to a person who is under 18 years of age unless the person has completed a driver training course approved by TDLR or TEA, rather than by the Central Education Agency.

SECTION 45. Amends Sections 521.205(b) and (d), Transportation Code, to prohibit DPS from approving a course unless it determines that the course materials are at least equal to those required in a course approved by TDLR or TEA, rather than just TEA, with certain exceptions. Makes a conforming change.

SECTION 46. Repealer: Sections 1001.001(1) (Definitions), 1001.152 (Duty to Review and Recommend Adjustments in Fee Amounts), 1001.303 (Renewal of School or Course Provider License), 1001.304 (Renewal of Instructor License), 1001.454 (Revocation of or Placement of Conditions on School or Course Provider License), 1001.455 (Denial, Suspension, or Revocation of Instructor License), 1001.457 (Term of Suspension), 1001.458 (Surrender of License), 1001.459 (Appeal and Request for Hearing), 1001.460 (Hearing), 1001.461 (Judicial Review), 1001.551 (Injunction in General), 1001.552 (Injunction Against School), and 1001.553 (Administrative Penalty), Education Code, and Subchapter B (Dismissal of Certain Misdemeanor Charges on Completing Driving Safety Course), Chapter 543, Transportation Code.

SECTION 47. (a) Requires TEA and TDLR, as soon as practicable after the effective date of this Act, to develop a transition plan for transferring the functions performed by TEA under Chapter 1001, Education Code, to TDLR. Requires the transition plan to include a timetable with specific steps and deadlines needed to complete the transfer.

(b) Transfers all functions and activities relating to Chapter 1001, Education Code, performed by TEA immediately before that date to TDLR on September 1, 2005. Provides that on September 1, 2005, a rule or form adopted by the commissioner of education that relates to Chapter 1001, Education Code, is a rule or form of the commission or TDLR, as applicable, and remains in effect until amended or replaced by the commission or TDLR and that a reference to TEA in a law or administrative rule that relates to Chapter 1001, Education Code, means the commission or TDLR, as applicable. Transfers from TEA to TDLR, on September 1, 2005, a complaint investigation or other proceeding before TEA that is related to Chapter 1001, Education Code without change in status, and TDLR assumes, as appropriate and without a change in status the position of TEA in an action or proceeding to which TEA is a party; all money, contracts, leases, property, and obligations of TEA; and the unexpended and unobligated balance of any money appropriated by the legislature for TEA related to Chapter 1001, Education Code.

(c) Provides that in accordance with the transition plan, on September 1, 2005, all full-time equivalent employee positions at TEA that primarily concern the administration of Chapter 1001, Education Code, become positions at TDLR. Requires TDLR, when filling positions, to give first consideration to an applicant who, as of August 31, 2005, was a full-time employee at TEA primarily involved in administering Chapter 1001, Education Code.

(d) Authorizes TEA, before September 1, 2005, to agree with TDLR to transfer any property of TEA to TDLR to implement the transfer required by this Act.

(e) Requires TEA, in the period beginning with the effective date of this Act and ending on September 1, 2005, to continue to perform functions and activities under Chapter 1001, Education Code, as if that chapter had not been amended by this Act.

SECTION 48. Makes application of this Act prospective to a fee charge on or after September 1, 2005.

SECTION 49. Makes application of this Act prospective to a license issued or renewed on or after September 1, 2005.

SECTION 50. Effective date: upon passage or September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 12, 2005

TO: Honorable Todd Staples, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The provisions of the bill would transfer the authorities and responsibilities of the Texas Education Agency's (TEA) Driver Training Division to the Texas Department of Licensing and Regulation (TDLR). The bill would require TDLR to sell course completion certificate numbers allowing driving safety course providers to print and mail department-approved certificates of completion and duplicate certificates of completion. The bill also would remove the fee schedule for various licenses and approvals from the Education Code and places this responsibility in TDLR.

Based on information provided by TDLR and TEA, it is assumed that full-time equivalent positions would be transferred from TEA to TDLR in accordance with the provisions of the bill and that the bill would have no significant fiscal impact.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; otherwise, the bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation, 701 Central Education Agency

LBB Staff: JOB, SR, MW, RR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 9, 2005

TO: Honorable Todd Staples, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 1001.056 of the Education Code relating to the issuance of certificates of driver and traffic safety education course completion. The Texas Education Agency would be required to sell course completion certificate numbers to course providers and would direct the purchaser to print and issue certificates and duplicate certificates. The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, SR, KJG, JGM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 1001.056 of the Education Code relating to the issuance of certificates of driver and traffic safety education course completion. The Texas Education Agency would be required to sell course completion certificate numbers to course providers and would direct the purchaser to print and issue certificates and duplicate certificates. The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, KJG, JGM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 10, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would increase the terms of license for driver training programs and instructors from one to two years. The bill would also increase the applicable fee from the current annual amount to an amount that is equal to two years' fees, thereby resulting in a neutral fiscal impact to the state.

The bill would allow course providers to purchase blocks of certificate numbers and allow the purchaser to print and issue certificates and then to print, issue, and charge a fee for duplicate certificates.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, KJG, JGM

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 468, by Hegay JACKSON,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Transportation & Homeland security on May 11, 2005,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.


(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ADOPTED

as amended

MAY 19 2005

29-0
Attest
Secretary of the Senate

By: _____

_____.B. No. _____

Substitute the following for H.B. No. 468 :

By: Bruner

C.S.____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to driver and traffic safety education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.001, Education Code, is amended by amending Subdivisions (2), (3), (4), and (5) and adding Subdivision (13-a) to read as follows:

(2) "Approved driving safety course" means a driving safety course approved by the department ~~[commissioner]~~.

(3) "Commission" ~~["Commissioner"]~~ means the Texas Commission of Licensing and Regulation ~~[commissioner of education]~~.

(4) "Course provider" means an enterprise that:

(A) maintains a place of business or solicits business in this state;

(B) is operated by an individual, association, partnership, or corporation; and

(C) has received an approval for a driving safety course from the department ~~[commissioner]~~ or has been designated by a person who has received that approval to conduct business and represent the person in this state.

(5) "Department" means the Texas Department of Licensing and Regulation ~~[Public Safety]~~.

(13-a) "Executive director" means the executive director of the department.

1 SECTION 2. Section 1001.002(c), Education Code, is amended
2 to read as follows:

3 (c) A driver education course is exempt from this chapter,
4 other than Section 1001.055, if the course is:

5 (1) conducted by a vocational driver training school
6 operated to train or prepare a person for a field of endeavor in a
7 business, trade, technical, or industrial occupation;

8 (2) conducted by a school or training program that
9 offers only instruction of purely avocational or recreational
10 subjects as determined by the department ~~[commissioner]~~;

11 (3) sponsored by an employer to train its own
12 employees without charging tuition;

13 (4) sponsored by a recognized trade, business, or
14 professional organization with a closed membership to instruct the
15 members of the organization; or

16 (5) conducted by a school regulated and approved under
17 another law of this state.

18 SECTION 3. Sections 1001.003 and 1001.004, Education Code,
19 are amended to read as follows:

20 Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
21 BUSINESSES. It is the intent of the legislature that commission
22 ~~[agency]~~ rules that affect driver training schools that qualify as
23 small businesses be adopted and administered so as to have the least
24 possible adverse economic effect on the schools.

25 Sec. 1001.004. COST OF ADMINISTERING CHAPTER. The cost of
26 administering this chapter shall be included in the state budget
27 allowance for the department ~~[agency]~~.

1 SECTION 4. Sections 1001.051 and 1001.052, Education Code,
2 are amended to read as follows:

3 Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department
4 ~~[agency]~~ has jurisdiction over and control of driver training
5 schools regulated under this chapter.

6 Sec. 1001.052. RULES. The commission ~~[agency]~~ shall adopt
7 ~~[and administer]~~ comprehensive rules governing driver training,
8 including rules to ensure the integrity of approved driving safety
9 courses and enhance program quality ~~[driving safety courses].~~

10 SECTION 5. Sections 1001.053 and 1001.054, Education Code,
11 are amended to read as follows:

12 Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT
13 ~~[COMMISSIONER]~~. ~~[(a)]~~ The department ~~[commissioner]~~ shall:

14 (1) administer ~~[the policies of]~~ this chapter;
15 (2) enforce minimum standards for driver training
16 schools under this chapter;

17 (3) ~~[adopt and]~~ enforce rules adopted by the
18 commission necessary to administer this chapter; and

19 (4) inspect ~~[visit]~~ a driver training school or course
20 provider and reexamine the school or course provider for compliance
21 with this chapter.

22 ~~[(b) The commissioner may designate a person knowledgeable~~
23 ~~in the administration of regulating driver training schools to~~
24 ~~administer this chapter.~~

25 ~~[(c) The commissioner may adopt rules to ensure the~~
26 ~~integrity of approved driving safety courses and to enhance program~~
27 ~~quality.]~~

1 Sec. 1001.054. RULES RESTRICTING ADVERTISING [OR
2 ~~COMPETITIVE BIDDING~~]. [~~(a) The commissioner may not adopt a rule~~
3 ~~restricting advertising or competitive bidding by a driver training~~
4 ~~school except to prohibit a false, misleading, or deceptive~~
5 ~~practice.~~

6 [~~(b) The commissioner may not include in rules to prohibit~~
7 ~~false, misleading, or deceptive practices by a driver training~~
8 ~~school a rule that restricts:~~

9 [~~(1) the use of an advertising medium,~~

10 [~~(2) the outside dimensions of a printed advertisement~~
11 ~~or outdoor display,~~

12 [~~(3) the duration of an advertisement, or~~

13 [~~(4) advertisement under a trade name.~~

14 [~~(c)~~] The commission [~~commissioner~~] by rule may restrict
15 advertising by a branch location of a driver training school so that
16 the location adequately identifies the primary location of the
17 school in a solicitation.

18 SECTION 6. Section 1001.055, Education Code, is amended to
19 read as follows:

20 Sec. 1001.055. DRIVER EDUCATION CERTIFICATES. (a) The
21 department [~~agency~~] shall print and supply to each licensed or
22 exempt driver education school driver education certificates to be
23 used for certifying completion of an approved driver education
24 course to satisfy the requirements of Section 521.204(a)(2),
25 Transportation Code. The certificates must be numbered serially.

26 (b) The commission [~~agency~~] by rule shall provide for the
27 design and distribution of the certificates in a manner that, to the

1 greatest extent possible, prevents the unauthorized reproduction
2 or misuse of the certificates.

3 (c) The department ~~[agency]~~ may charge a fee of not more
4 than \$4 for each certificate.

5 SECTION 7. The heading to Section 1001.056, Education Code,
6 is amended to read as follows:

7 Sec. 1001.056. UNIFORM CERTIFICATES OF DRIVING SAFETY
8 COURSE COMPLETION.

9 SECTION 8. Section 1001.056, Education Code, is amended by
10 amending Subsections (b), (c), (d), (e), (f), and (g) and adding
11 Subsections (b-1), (c-1), and (h) to read as follows:

12 (b) The department ~~[agency]~~ shall provide ~~[print and supply~~
13 ~~to]~~ each licensed course provider with course completion
14 certificate numbers to enable the provider to print and issue
15 department-approved uniform certificates of course completion.

16 (b-1) Certificate numbering under Subsection (b) ~~[The~~
17 ~~certificates]~~ must be serial ~~[numbered serially]~~.

18 (c) The commission ~~[agency]~~ by rule shall provide for the
19 design ~~[and distribution]~~ of the certificates and the distribution
20 of certificate numbers in a manner that, to the greatest extent
21 possible, prevents the unauthorized production or the misuse of the
22 certificates or certificate numbers.

23 (c-1) A course provider shall provide for the printing and
24 issuance of original and duplicate certificates in a manner that,
25 to the greatest extent possible, prevents the unauthorized
26 production or the misuse of the certificates.

27 (d) A certificate under this section must:

1 (1) be in a form required by the department [~~agency~~];
2 and

3 (2) include an identifying number by which the
4 department [~~agency~~], a court, or the Department of Public Safety
5 [~~department~~] may verify its authenticity with the course provider.

6 (e) The department [~~agency~~] may charge a fee of not more
7 than \$4 for each course completion certificate number. A course
8 provider that supplies a certificate for an operator shall collect
9 from the [~~charge an~~] operator a fee equal to the amount of the fee
10 paid to the department [~~agency~~] for the [~~a~~] certificate number.

11 (f) A course provider license entitles a course provider to
12 purchase certificate numbers [~~certificates~~] for only one approved
13 driving safety course.

14 (g) A course provider [~~The agency~~] shall issue a duplicate
15 certificate by United States mail or through a commercial delivery
16 service [~~certificates~~]. The commission [~~commissioner~~] by rule
17 shall determine the amount of the fee collected by the course
18 provider for issuance of a duplicate certificate under this
19 subsection.

20 (h) If a duplicate certificate issued by a course provider
21 contains information that is different from the original
22 certificate, the course provider shall include on the duplicate
23 certificate, in addition to the new information, the applicable
24 information from the original certificate with the notation
25 "changed to" indicating how the original information was changed.

26 SECTION 9. Section 1001.057, Education Code, is amended to
27 read as follows:

1 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY
2 COURSE INFORMATION. The department [~~agency~~] shall investigate
3 options to develop and implement procedures to electronically
4 transmit information relating to driving safety courses to
5 municipal and justice courts.

6 SECTION 10. Subchapter B, Chapter 1001, Education Code, is
7 amended by adding Section 1001.058 to read as follows:

8 Sec. 1001.058. DESIGNATION OF PERSON TO ADMINISTER CHAPTER.
9 The executive director may designate a person knowledgeable in the
10 administration of regulating driver training schools to administer
11 this chapter for the department.

12 SECTION 11. Sections 1001.101 and 1001.102, Education Code,
13 are amended to read as follows:

14 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND
15 TEXTBOOKS. The commission [~~commissioner~~] by rule shall establish
16 the curriculum and designate the textbooks to be used in a driver
17 education course.

18 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The
19 commission [~~agency~~] by rule shall require that information relating
20 to alcohol awareness and the effect of alcohol on the effective
21 operation of a motor vehicle be included in the curriculum of any
22 driver education course or driving safety course.

23 (b) In developing rules under this section, the commission
24 [~~agency~~] shall consult with the Department of Public Safety
25 [~~department~~].

26 SECTION 12. Sections 1001.103(b), (d), and (e), Education
27 Code, are amended to read as follows:

1 (b) The department [agency] shall develop standards for a
2 separate school certification and approve curricula for drug and
3 alcohol driving awareness programs that include one or more
4 courses. Except as provided by commission [agency] rule, a program
5 must be offered in the same manner as a driving safety course.

6 (d) In accordance with Section 461.013(b), Health and
7 Safety Code, the department [agency] and the Texas Department of
8 State Health Services [~~Commission on Alcohol and Drug Abuse~~] shall
9 enter into a memorandum of understanding for the interagency
10 approval of the required curricula.

11 (e) The commission [~~Notwithstanding Section 1001.056,~~
12 ~~Subchapter D, and Sections 1001.213 and 1001.303, the commissioner]~~
13 may establish fees in connection with the programs under this
14 section. The fees must be in amounts reasonable and necessary to
15 administer the department's [agency's] duties under this section.

16 SECTION 13. Sections 1001.104 and 1001.105, Education Code,
17 are amended to read as follows:

18 Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a)
19 The department [agency] shall enter into a memorandum of
20 understanding with the Department of Aging and Disability Services
21 [~~Texas Rehabilitation Commission~~] and the Department of Public
22 Safety [~~department~~] for the interagency development of curricula
23 and licensing criteria for hospital and rehabilitation facilities
24 that teach driver education.

25 (b) The department [agency] shall administer comprehensive
26 rules governing driver education courses adopted by mutual
27 agreement among the commission [agency], the Department of Aging

1 and Disability Services [Texas Rehabilitation Commission], and the
2 Department of Public Safety [department].

3 Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The
4 commission [agency] shall enter into a memorandum of understanding
5 with the Texas Department of Insurance for the interagency
6 development of a curriculum for driving safety courses.

7 SECTION 14. Sections 1001.106(b), (c), and (d), Education
8 Code, are amended to read as follows:

9 (b) The commission [commissioner] by rule shall provide
10 minimum standards of curriculum relating to operation of vehicles
11 at railroad and highway grade crossings.

12 (c) Subchapter F, Chapter 51, Occupations Code, Section
13 51.353, Occupations Code, and Section [Sections 1001.454,
14 1001.456 of this code[, and 1001.553] do not apply to a violation of
15 this section or a rule adopted under this section.

16 (d) Section 51.352, Occupations Code, and Sections
17 [1001.455(a)(6),] 1001.501[, 1001.551, 1001.552,] and 1001.554 of
18 this code do not apply to a violation of this section.

19 SECTION 15. Section 1001.107, Education Code, is amended to
20 read as follows:

21 Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

22 (a) The commission [commissioner] by rule shall require that
23 information relating to litter prevention be included in the
24 curriculum of each driver education and driving safety course.

25 (b) In developing rules under this section, the commission
26 [commissioner] shall consult the Department of Public Safety
27 [department].

1 SECTION 16. Sections 1001.108(a) and (c), Education Code,
2 are amended to read as follows:

3 (a) The commission ~~[commissioner]~~ by rule shall require
4 that information relating to anatomical gifts be included in the
5 curriculum of each driver education course and driving safety
6 course.

7 (c) In developing rules under this section, the commission
8 ~~[commissioner]~~ shall consult with the Department of Public Safety
9 ~~[department]~~ and the ~~[Texas]~~ Department of State Health Services.

10 SECTION 17. Section 1001.151, Education Code, is amended to
11 read as follows:

12 Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION
13 FEES. (a) The commission ~~[commissioner]~~ shall establish ~~[collect]~~
14 application, license, and registration fees. The fees must be in
15 amounts sufficient to cover administrative costs and are
16 nonrefundable. The department shall collect the application,
17 license, and registration fees.

18 (b) The commission shall establish a fee for:

19 (1) an initial driver education school license and ~~[is~~
20 ~~\$1,000 plus \$850]~~ for each branch location; [-]

21 (2) ~~[(c) The fee for]~~ an initial driving safety
22 school license; [is an appropriate amount established by the
23 ~~commissioner not to exceed \$200.]~~

24 (3) ~~[(d) The fee for]~~ an initial course provider
25 license [is an appropriate amount established by the commissioner
26 ~~not to exceed \$2,000], except that the commission [agency] may~~
27 waive the fee if revenue received from the course provider is

1 sufficient to cover the cost of licensing the course provider; ~~[-]~~

2 (4) the ~~[(e) The]~~ annual renewal ~~[fee]~~ for a course
3 provider, driving safety school, driver education school, or branch
4 location ~~[is an appropriate amount established by the commissioner~~
5 ~~not to exceed \$200]~~, except that the commission ~~[agency]~~ may waive
6 the fee if revenue generated by the issuance of ~~[uniform~~
7 ~~certificates of]~~ course completion certificate numbers and driver
8 education certificates is sufficient to cover the cost of
9 administering this chapter and Article 45.0511, Code of Criminal
10 Procedure; ~~[-]~~

11 (5) ~~[(f) The fee for]~~ a change of address of ~~[-~~
12 ~~[(1)]~~ a driver education school, ~~[is \$180, and~~
13 ~~[(2)]~~ a driving safety school, or course provider; ~~[is~~
14 ~~\$50-]~~

15 (6) ~~[(g) The fee for]~~ a change of name of:

16 (A) ~~[(1)]~~ a driver education school or course
17 provider or an owner of a driver education school or course provider
18 ~~[is \$100]; or [and]~~

19 (B) ~~[(2)]~~ a driving safety school or owner of a
20 driving safety school; ~~[is \$50-]~~

21 (7) ~~[(h) The application fee for]~~ each additional
22 driver education or driving safety course at a driver training
23 school; ~~[is \$25-]~~

24 (8) an ~~[(i) The]~~ application of a ~~[fee for]~~

25 ~~[(1) each]~~ director, ~~[is \$30, and~~

26 ~~[(2) each]~~ assistant director, or administrative
27 staff member; ~~[is \$15-]~~

1 (9) an ~~[(j)]~~ Each] application for approval of a
2 driving safety course that has not been evaluated by the
3 department; and

4 (10) an application for approval to teach an approved
5 driving safety course by an alternative method ~~[commissioner must~~
6 ~~be accompanied by a nonrefundable fee of \$9,000]~~.

7 (c) ~~[(k)]~~ An application for an original driver education
8 or driving safety instructor license must be accompanied by a
9 processing fee ~~[of \$50]~~ and an annual license fee ~~[of \$25]~~, except
10 that the department ~~[commissioner]~~ may not collect the processing
11 fee from an applicant for a driver education instructor license who
12 is currently teaching a driver education course in a public school
13 in this state.

14 (d) ~~[(l)]~~ The commission ~~[commissioner]~~ shall establish the
15 amount of the fee for a duplicate license.

16 SECTION 18. Section 1001.153, Education Code, is amended to
17 read as follows:

18 Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The
19 commission ~~[commissioner]~~ shall establish the amount of the fee to
20 investigate a driver training school or course provider to resolve
21 a complaint against the school or course provider.

22 (b) The fee may be charged only if:

23 (1) the complaint could not have been resolved solely
24 by telephone or in writing;

25 (2) a representative of the department ~~[agency]~~
26 visited the school or course provider as a part of the complaint
27 resolution process; and

(3) the school or course provider was found to be at fault.

SECTION 19. Section 1001.202(b), Education Code, is amended to read as follows:

(b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location:

(1) is approved by the parent school and the department ~~[agency]~~;

(2) has the same name as the parent school; and

(3) has the same ownership as the parent school.

SECTION 20. Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code, are amended to read as follows:

Sec. 1001.203. APPLICATION. To operate or do business in this state, a driver training school must apply to the department ~~[commissioner]~~ for the appropriate license. The application must:

(1) be in writing;

(2) be in the form prescribed by the department ~~[commissioner]~~;

(3) include all required information; and

(4) be verified.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE. The department ~~[commissioner]~~ shall approve an application for a driver education school license if, on investigation of the premises of the school, it is determined that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve

1 the stated objective for which the courses, curricula, and
2 instruction are offered;

3 (2) has adequate space, equipment, instructional
4 material, and instructors to provide training of good quality in
5 the classroom and behind the wheel;

6 (3) has directors, instructors, and administrators
7 who have adequate educational qualifications and experience;

8 (4) provides to each student before enrollment:

9 (A) a copy of:

10 (i) the refund policy;

11 (ii) the schedule of tuition, fees, and
12 other charges; and

13 (iii) the regulations relating to absence,
14 grading policy, and rules of operation and conduct; and

15 (B) the department's name, mailing address,
16 ~~[and]~~ telephone number, and Internet website address ~~[of the~~
17 ~~agency]~~ for the purpose of directing complaints to the department
18 ~~[agency]~~;

19 (5) maintains adequate records as prescribed by the
20 department ~~[commissioner]~~ to show attendance and progress or grades
21 and enforces satisfactory standards relating to attendance,
22 progress, and conduct;

23 (6) on completion of training, issues each student a
24 certificate indicating the course name and satisfactory
25 completion;

26 (7) complies with all county, municipal, state, and
27 federal regulations, including fire, building, and sanitation

1 codes and assumed name registration;

2 (8) is financially sound and capable of fulfilling its
3 commitments for training;

4 (9) has administrators, directors, owners, and
5 instructors who are of good reputation and character;

6 (10) maintains and publishes as part of its student
7 enrollment contract the proper policy for the refund of the unused
8 portion of tuition, fees, and other charges if a student fails to
9 take the course or withdraws or is discontinued from the school at
10 any time before completion;

11 (11) does not use erroneous or misleading advertising,
12 either by actual statement, omission, or intimation, as determined
13 by the department ~~[commissioner]~~;

14 (12) does not use a name similar to the name of another
15 ~~[existing]~~ school licensed in this state or of a tax-supported
16 educational institution in this state, unless specifically
17 approved in writing by the executive director ~~[commissioner]~~;

18 (13) submits to the department ~~[agency]~~ for approval
19 the applicable course hour lengths and curriculum content for each
20 course offered by the school;

21 (14) does not owe an administrative penalty for a
22 violation of ~~[under]~~ this chapter; and

23 (15) meets any additional criteria required by the
24 department ~~[agency]~~.

25 Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL
26 LICENSE. The department ~~[commissioner]~~ shall approve an
27 application for a driving safety school license if on investigation

1 the department [~~agency~~] determines that the school:

2 (1) has driving safety courses, curricula, and
3 instruction of a quality, content, and length that reasonably and
4 adequately achieve the stated objective for which the course,
5 curricula, and instruction are developed by the course provider;

6 (2) has adequate space, equipment, instructional
7 material, and instructors to provide training of good quality;

8 (3) has instructors and administrators who have
9 adequate educational qualifications and experience;

10 (4) maintains adequate records as prescribed by the
11 department [~~commissioner~~] to show attendance and progress or grades
12 and enforces satisfactory standards relating to attendance,
13 progress, and conduct;

14 (5) complies with all county, municipal, state, and
15 federal laws, including fire, building, and sanitation codes and
16 assumed name registration;

17 (6) has administrators, owners, and instructors who
18 are of good reputation and character;

19 (7) does not use erroneous or misleading advertising,
20 either by actual statement, omission, or intimation, as determined
21 by the department [~~commissioner~~];

22 (8) does not use a name similar to the name of another
23 [~~existing~~] school licensed in this state or of a tax-supported
24 educational establishment in this state, unless specifically
25 approved in writing by the executive director [~~commissioner~~];

26 (9) maintains and uses the approved contract and
27 policies developed by the course provider;

(10) does not owe an administrative penalty for a
violation of ~~[under]~~ this chapter;

(11) will not provide a driving safety course to a
person for less than \$25; and

(12) meets additional criteria required by the
department ~~[commissioner]~~.

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.
The department ~~[commissioner]~~ shall approve an application for a
course provider license if on investigation the department ~~[agency]~~
determines that:

(1) the course provider has an approved course that at
least one licensed driving safety school is willing to offer;

(2) the course provider has adequate educational
qualifications and experience;

(3) the course provider will:
(A) develop and provide to each driving safety
school that offers the approved course a copy of:

(i) the refund policy; and
(ii) the regulations relating to absence,
grading policy, and rules of operation and conduct; and

(B) provide to the driving safety school the
department's name, mailing address, ~~[and]~~ telephone number, and
Internet website address ~~[of the agency]~~ for the purpose of
directing complaints to the department ~~[agency]~~;

(4) a copy of the information provided to each driving
safety school under Subdivision (3) will be provided to each
student by the school before enrollment;

(5) not later than the 15th working day after the date the person successfully completes the course, the course provider will mail a uniform certificate of course completion to the person indicating the course name and successful completion;

(6) the course provider maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(7) the course provider complies with all county, municipal, state, and federal laws, including assumed name registration and other applicable requirements;

(8) the course provider is financially sound and capable of fulfilling its commitments for training;

(9) the course provider is of good reputation and character;

(10) the course provider maintains and publishes as a part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) the course provider does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department ~~[commissioner]~~;

(12) the course provider does not use a name similar to the name of another ~~[existing]~~ school licensed in this state or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director

1 ~~[commissioner];~~

2 (13) the course provider does not owe an
3 administrative penalty for a violation of ~~[under]~~ this chapter; and

4 (14) the course provider meets additional criteria
5 required by the department ~~[commissioner]~~.

6 SECTION 21. Sections 1001.207(a) and (b), Education Code,
7 are amended to read as follows:

8 (a) Before a driver education school may be issued a
9 license, the school must file a corporate surety bond with the
10 department ~~[commissioner]~~ in the amount of:

11 (1) \$10,000 for the primary location of the school;

12 and

13 (2) \$5,000 for each branch location.

14 (b) A bond issued under Subsection (a) must be:

15 (1) issued in a form approved by the department
16 ~~[commissioner]~~;

17 (2) issued by a company authorized to do business in
18 this state;

19 (3) payable to the state to be used only for payment of
20 a refund due to a student or potential student;

21 (4) conditioned on the compliance of the school and
22 its officers, agents, and employees with this chapter and rules
23 adopted under this chapter; and

24 (5) issued for a period corresponding to the term of
25 the license.

26 SECTION 22. Section 1001.209(b), Education Code, is amended
27 to read as follows:

1 (b) A bond issued under Subsection (a) must be:

2 (1) issued by a company authorized to do business in
3 this state;

4 (2) payable to the state to be used:

5 (A) for payment of a refund due a student of the
6 course provider's approved course;

7 (B) to cover the payment of unpaid fees or
8 penalties assessed by the department ~~[agency]~~; or

9 (C) to recover any ~~[the]~~ cost associated with
10 providing ~~[of uniform certificates of]~~ course completion
11 certificate numbers, including the cancellation of certificate
12 numbers ~~[the agency demands be returned or any cost associated with~~
13 ~~the certificates];~~

14 (3) conditioned on the compliance of the course
15 provider and its officers, agents, and employees with this chapter
16 and rules adopted under this chapter; and

17 (4) issued for a period corresponding to the term of
18 the license.

19 SECTION 23. Section 1001.210, Education Code, is amended to
20 read as follows:

21 Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the
22 bond required by Section 1001.207 or 1001.209, a driver education
23 school or course provider may provide another form of security that
24 is:

25 (1) ~~[(A)]~~ approved by the department ~~[commissioner]~~;

26 and

27 (2) ~~[(B)]~~ in the amount required for a comparable bond

1 under Section 1001.207 or 1001.209.

2 SECTION 24. Sections 1001.211(a) and (b), Education Code,
3 are amended to read as follows:

4 (a) The department ~~[commissioner]~~ shall issue a license to
5 an applicant for a license under this subchapter if:

6 (1) the application is submitted in accordance with
7 this subchapter; and

8 (2) the applicant meets the requirements of this
9 chapter.

10 (b) A license must be in a form determined by the department
11 ~~[commissioner]~~ and must show in a clear and conspicuous manner:

12 (1) the date of issuance, effective date, and term of
13 the license;

14 (2) the name and address of the driver training school
15 or course provider;

16 (3) the authority for and conditions of approval;

17 (4) the executive director's ~~[commissioner's]~~
18 signature; and

19 (5) any other fair and reasonable representation that
20 is consistent with this chapter and that the department
21 ~~[commissioner]~~ considers necessary.

22 SECTION 25. Section 1001.212, Education Code, is amended to
23 read as follows:

24 Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department
25 ~~[commissioner]~~ shall provide a person whose application for a
26 license under this subchapter is denied a written statement of the
27 reasons for the denial.

1 SECTION 26. Sections 1001.213(c) and (d), Education Code,
2 are amended to read as follows:

3 (c) The commission may establish ~~[Instead of the]~~ fees
4 ~~[required by Section 1001.151, the fee]~~ for a new driver education
5 school or course provider license under Subsection (b) and ~~[is~~
6 ~~\$500, plus \$200]~~ for each branch location that are different from
7 the amounts established under Section 1001.151[7] if:

8 (1) the new owner is substantially similar to the
9 previous owner; and

10 (2) there is no significant change in the management
11 or control of the driver education school or course provider.

12 (d) The department ~~[commissioner]~~ is not required to
13 reinspect a school or a branch location after a change of ownership.

14 SECTION 27. Section 1001.214, Education Code, is amended to
15 read as follows:

16 Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may
17 be issued to a driver training school or course provider if:

18 (1) the original license is lost or destroyed; and

19 (2) an affidavit of that fact is filed with the
20 department ~~[agency]~~.

21 SECTION 28. Sections 1001.251, 1001.252, and 1001.253,
22 Education Code, are amended to read as follows:

23 Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A
24 person may not teach or provide driver education, either as an
25 individual or in a driver education school, or conduct any phase of
26 driver education, unless the person holds a driver education
27 instructor license issued by the department ~~[agency]~~.

(b) A person may not teach or provide driving safety training, either as an individual or in a driving safety school, or conduct any phase of driving safety education, unless the person holds a driving safety instructor license issued by the department [~~agency~~]. This subsection does not apply to an instructor of a driving safety course that does not provide a uniform certificate of course completion to its graduates.

Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A license under this subchapter must be signed by the executive director [~~commissioner~~].

Sec. 1001.253. DRIVER EDUCATION INSTRUCTOR TRAINING. (a) The department [~~commissioner~~] shall establish standards for certification of professional and paraprofessional personnel who conduct driver education programs in driver education schools.

(b) A driver education instructor license authorizing a person to teach or provide behind-the-wheel training may not be issued unless the person has successfully completed six semester hours of driver and traffic safety education or a program of study in driver education approved by the department [~~commissioner~~] from an approved driver education school.

(c) A person who holds a driver education instructor license authorizing behind-the-wheel training may not be approved to assist a classroom instructor in the classroom phase of driver education unless the person has successfully completed the three additional semester hours of training required for a classroom instructor or a program of study in driver education approved by the department [~~commissioner~~].

1 (d) Except as provided by Section 1001.254, a driver
2 education instructor license authorizing a person to teach or
3 provide classroom training may not be issued unless the person:

4 (1) has completed nine semester hours of driver and
5 traffic safety education or a program of study in driver education
6 approved by the department [~~commissioner~~] from an approved driver
7 education school; and

8 (2) holds a teaching certificate and any additional
9 certification required to teach driver education.

10 (e) A driver education instructor who has completed the
11 educational requirements prescribed by Subsection (d)(1) may not
12 teach instructor training classes unless the instructor has
13 successfully completed a supervising instructor development
14 program consisting of at least six additional semester hours or a
15 program of study in driver education approved by the department
16 [~~commissioner~~] that includes administering driver education
17 programs and supervising and administering traffic safety
18 education.

19 (f) A driver education school may submit for department
20 [~~agency~~] approval a curriculum for an instructor development
21 program for driver education instructors. The program must:

22 (1) be taught by a person who has completed a
23 supervising instructor development program under Subsection (e);
24 and

25 (2) satisfy the requirements of this section for the
26 particular program or type of training to be provided.

27 SECTION 29. Section 1001.254(a), Education Code, is amended

1 to read as follows:

2 (a) A temporary driver education instructor license may be
3 issued authorizing a person to teach or provide classroom driver
4 education training if the person:

5 (1) has completed the educational requirements
6 prescribed by Section 1001.253(d)(1);

7 (2) holds a Texas teaching certificate with an
8 effective date before February 1, 1986;

9 (3) meets all license requirements, other than
10 successful completion of the examination required under rules
11 adopted by the State Board for Educator Certification to revalidate
12 the teaching certificate; and

13 (4) demonstrates, in a manner prescribed by the
14 department [~~commissioner~~], the intention to comply with the
15 examination requirement at the first available opportunity.

16 SECTION 30. Sections 1001.255(a), (b), and (c), Education
17 Code, are amended to read as follows:

18 (a) The department [~~agency~~] shall regulate as a driver
19 education school a driver education instructor who:

20 (1) teaches driver education courses in a county
21 having a population of 50,000 or less; and

22 (2) does not teach more than 200 students annually.

23 (b) An instructor described by Subsection (a) must submit to
24 the department [~~agency~~] an application for an initial or renewal
25 driver education school license, together with all required
26 documentation and information.

27 (c) The department [~~commissioner~~] may waive initial or

1 renewal driver education school license fees or the fee for a
2 director or administrative staff member.

3 SECTION 31. Section 1001.256, Education Code, is amended to
4 read as follows:

5 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
6 be issued to a driver education instructor or driving safety
7 instructor if:

8 (1) the original license is lost or destroyed; and

9 (2) an affidavit of that fact is filed with the
10 department [~~agency~~].

11 SECTION 32. The heading to Subchapter G, Chapter 1001,
12 Education Code, is amended to read as follows:

13 SUBCHAPTER G. LICENSE EXPIRATION [~~AND RENEWAL~~]

14 SECTION 33. Sections 1001.351(a) and (b), Education Code,
15 are amended to read as follows:

16 (a) Not later than the 15th working day after the course
17 completion date, a course provider or a person at the course
18 provider's facilities shall issue and send [~~mail~~] a uniform
19 certificate of course completion by United States mail or through a
20 commercial delivery service to a person who successfully completes
21 an approved driving safety course.

22 (b) A course provider shall electronically submit to the
23 department [~~agency~~] in the manner established by the department
24 [~~agency~~] data identified by the department [~~agency~~] relating to
25 uniform certificates of course completion issued by the course
26 provider.

27 SECTION 34. Sections 1001.354(a) and (b), Education Code,

1 are amended to read as follows:

2 (a) A driving safety course may be taught at a driving
3 safety school if the school is approved by the department ~~[agency]~~.

4 (b) A driving safety school may teach an approved driving
5 safety course by an alternative method ~~[that does not require~~
6 ~~students to be present in a classroom]~~ if the department
7 ~~[commissioner]~~ approves the alternative method. The department
8 ~~[commissioner]~~ may approve the alternative method if:

9 (1) the department ~~[commissioner]~~ determines that the
10 approved driving safety course can be taught by the alternative
11 method; and

12 (2) the alternative method includes testing and
13 security measures that are at least as secure as the methods that
14 would be used if the course were taught at the school and that are
15 comparable to those ~~[measures]~~ available in a ~~[the]~~ usual classroom
16 setting.

17 SECTION 35. Sections 1001.404(b) and (c), Education Code,
18 are amended to read as follows:

19 (b) The department ~~[commissioner]~~ shall establish annually
20 the rate of interest for a refund at a rate sufficient to provide a
21 deterrent to the retention of student money.

22 (c) The department ~~[agency]~~ may except a driver education
23 school or course provider from the payment of interest if the school
24 or course provider makes a good-faith effort to refund tuition,
25 fees, and other charges but is unable to locate the student to whom
26 the refund is owed. On request of the department ~~[agency]~~, the
27 school or course provider shall document the effort to locate a

1 student.

2 SECTION 36. Sections 1001.451 and 1001.452, Education Code,
3 are amended to read as follows:

4 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

5 (1) use advertising designed to mislead or deceive a
6 prospective student;

7 (2) fail to notify the department [~~commissioner~~] of
8 the discontinuance of the operation of a driver training school
9 before the fourth working day after the date of cessation of classes
10 and make available accurate records as required by this chapter;

11 (3) issue, sell, trade, or transfer:

12 (A) a uniform certificate of course completion or
13 driver education certificate to a person or driver training school
14 not authorized to possess the certificate;

15 (B) a uniform certificate of course completion to
16 a person who has not successfully completed an approved, six-hour
17 driving safety course; or

18 (C) a driver education certificate to a person
19 who has not successfully completed a department-approved
20 [~~commissioner-approved~~] driver education course;

21 (4) negotiate a promissory instrument received as
22 payment of tuition or another charge before the student completes
23 75 percent of the course, except that before that time the
24 instrument may be assigned to a purchaser who becomes subject to any
25 defense available against the school named as payee; or

26 (5) conduct any part of an approved driver education
27 course or driving safety course without having an instructor

1 physically present in appropriate proximity to the student for the
2 type of instruction being given.

3 Sec. 1001.452. COURSE OF INSTRUCTION. A driver training
4 school may not maintain, advertise, solicit for, or conduct a
5 course of instruction in this state before the later of:

6 (1) the 30th day after the date the school applies for
7 a driver training school license; or

8 (2) the date the school receives a driver training
9 school license from the department ~~[commissioner]~~.

10 SECTION 37. Sections 1001.453(d) and (e), Education Code,
11 are amended to read as follows:

12 (d) Subchapter F, Chapter 51, Occupations Code, Section
13 51.353, Occupations Code, and Section ~~[Sections 1001.454,~~
14 1001.456(a) of this code ~~[, and 1001.553]~~ do not apply to a
15 violation of this section or a rule adopted under this section.

16 (e) Section 51.352, Occupations Code, and Sections
17 ~~[1001.455(a)(6),]~~ 1001.501~~[, 1001.551, 1001.552,]~~ and 1001.554 of
18 this code do not apply to a violation of this section.

19 SECTION 38. Section 1001.456, Education Code, is amended to
20 read as follows:

21 Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the
22 department ~~[agency]~~ believes that a driver education school or
23 instructor has violated this chapter or a rule or order of the
24 commission or executive director ~~[adopted under this chapter]~~, the
25 department ~~[agency]~~ may, without notice:

26 (1) order a peer review;

27 (2) suspend the enrollment of students in the school

1 or the offering of instruction by the instructor; or

2 (3) suspend the right to purchase driver education
3 certificates.

4 (b) If the department [~~agency~~] believes that a course
5 provider, driving safety school, or driving safety instructor has
6 violated this chapter or a rule or order of the commission or
7 executive director [~~adopted under this chapter~~], the department
8 [~~agency~~] may, without notice:

9 (1) order a peer review of the course provider,
10 driving safety school, or driving safety instructor;

11 (2) suspend the enrollment of students in the school
12 or the offering of instruction by the instructor; or

13 (3) suspend the right to purchase [~~uniform~~
14 ~~certificates of~~] course completion certificate numbers.

15 (c) A peer review ordered under this section must be
16 conducted by a team of knowledgeable persons selected by the
17 department [~~agency~~]. The team shall provide the department
18 [~~agency~~] with an objective assessment of the content of the
19 school's or course provider's curriculum and its application. The
20 school or course provider shall pay the costs of the peer review.

21 (d) A suspension of enrollment under Subsection (a)(2) or
22 (b)(2) means a ruling by the executive director [~~commissioner~~] that
23 restricts a school from:

24 (1) accepting enrollments or reenrollments;

25 (2) advertising;

26 (3) soliciting; or

27 (4) directly or indirectly advising prospective

1 students of its program or course offerings.

2 SECTION 39. The heading to Subchapter L, Chapter 1001,
3 Education Code, is amended to read as follows:

4 SUBCHAPTER L. PENALTIES [~~AND ENFORCEMENT PROVISIONS~~]

5 SECTION 40. Sections 1001.555(a), (b), and (c), Education
6 Code, are amended to read as follows:

7 (a) A person commits an offense if the person knowingly
8 sells, trades, issues, or otherwise transfers, or possesses with
9 intent to sell, trade, issue, or otherwise transfer, a uniform
10 certificate of course completion, including a duplicate
11 certificate, a course completion certificate number, including a
12 duplicate number, or a driver education certificate to an
13 individual, firm, or corporation not authorized to possess the
14 certificate or number.

15 (b) The department [~~agency~~] shall contract with the
16 Department of Public Safety [~~department~~] to provide undercover and
17 investigative assistance in the enforcement of Subsection (a).

18 (c) A person commits an offense if the person knowingly
19 possesses a uniform certificate of course completion, including a
20 duplicate certificate, a course completion certificate number,
21 including a duplicate number, or a driver education certificate and
22 is not authorized to possess the certificate or number.

23 SECTION 41. Article 45.0511(b), Code of Criminal Procedure,
24 is amended to read as follows:

25 (b). The judge shall require the defendant to successfully
26 complete a driving safety course approved by the Texas Department
27 of Licensing and Regulation [~~Education Agency~~] or a course under

1 the motorcycle operator training and safety program approved by the
2 designated state agency under Chapter 662, Transportation Code, if:

3 (1) the defendant elects driving safety course or
4 motorcycle operator training course dismissal under this article;

5 (2) the defendant has not completed an approved
6 driving safety course or motorcycle operator training course, as
7 appropriate, within the 12 months preceding the date of the
8 offense;

9 (3) the defendant enters a plea under Article 45.021
10 in person or in writing of no contest or guilty on or before the
11 answer date on the notice to appear and:

12 (A) presents in person or by counsel to the court
13 a request to take a course; or

14 (B) sends to the court by certified mail, return
15 receipt requested, postmarked on or before the answer date on the
16 notice to appear, a written request to take a course;

17 (4) the defendant has a valid Texas driver's license or
18 permit;

19 (5) the defendant is charged with an offense to which
20 this article applies, other than speeding 25 miles per hour or more
21 over the posted speed limit; and

22 (6) the defendant provides evidence of financial
23 responsibility as required by Chapter 601, Transportation Code.

24 SECTION 42. Section 51.308, Education Code, is amended to
25 read as follows:

26 Sec. 51.308. DRIVER EDUCATION. A driver education course
27 for the purpose of preparing students to obtain a driver's license

1 may be offered by an institution of higher education, as defined by
2 Section 61.003, with the approval of the Texas ~~[Central]~~ Education
3 Agency.

4 SECTION 43. Section 521.1655(a), Transportation Code, is
5 amended to read as follows:

6 (a) A driver education school licensed under Chapter 1001,
7 Education Code, ~~[the Texas Driver and Traffic Safety Education Act~~
8 ~~(Article 4413(29c), Vernon's Texas Civil Statutes)]~~ may administer
9 to a student of that school the vision, highway sign, and traffic
10 law parts of the examination required by Section 521.161.

11 SECTION 44. Section 521.203, Transportation Code, is
12 amended to read as follows:

13 Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The
14 department may not issue a Class A or Class B driver's license to a
15 person who:

16 (1) is under 17 years of age;

17 (2) is under 18 years of age unless the person has
18 completed a driver training course approved by the Texas Department
19 of Licensing and Regulation or the Texas ~~[Central]~~ Education
20 Agency; or

21 (3) has not provided the department with an affidavit,
22 on a form prescribed by the department, that states that no vehicle
23 that the person will drive that requires a Class A or Class B
24 license is a commercial motor vehicle as defined by Section
25 522.003.

26 SECTION 45. Sections 521.205(b) and (d), Transportation
27 Code, are amended to read as follows:

1 (b) The department may not approve a course unless it
2 determines that the course materials are at least equal to those
3 required in a course approved by the Texas Department of Licensing
4 and Regulation or the Texas Education Agency, except that the
5 department may not require that:

6 (1) the classroom instruction be provided in a room
7 with particular characteristics or equipment; or

8 (2) the vehicle used for the behind-the-wheel
9 instruction have equipment other than the equipment otherwise
10 required by law for operation of the vehicle on a highway while the
11 vehicle is not being used for driver training.

12 (d) Completion of a driver education course approved under
13 this section has the same effect under this chapter as completion of
14 a driver education course approved by the Texas Department of
15 Licensing and Regulation or the Texas Education Agency.

16 SECTION 46. Sections 1001.001(1), 1001.152, 1001.303,
17 1001.304, 1001.454, 1001.455, 1001.457, 1001.458, 1001.459,
18 1001.460, 1001.461, 1001.551, 1001.552, and 1001.553, Education
19 Code, and Subchapter B, Chapter 543, Transportation Code, are
20 repealed.

21 SECTION 47. (a) As soon as practicable after the effective
22 date of this Act, the Texas Education Agency and the Texas
23 Department of Licensing and Regulation shall develop a transition
24 plan for transferring the functions performed by the Texas
25 Education Agency under Chapter 1001, Education Code, to the Texas
26 Department of Licensing and Regulation. The transition plan must
27 include a timetable with specific steps and deadlines needed to

1 complete the transfer.

2 (b) In accordance with the transition plan developed by the
3 Texas Education Agency and the Texas Department of Licensing and
4 Regulation under Subsection (a) of this section, on September 1,
5 2005:

6 (1) all functions and activities relating to Chapter
7 1001, Education Code, performed by the Texas Education Agency
8 immediately before that date are transferred to the Texas
9 Department of Licensing and Regulation;

10 (2) a rule or form adopted by the commissioner of
11 education that relates to Chapter 1001, Education Code, is a rule or
12 form of the Texas Commission of Licensing and Regulation or the
13 Texas Department of Licensing and Regulation, as applicable, and
14 remains in effect until amended or replaced by that commission or
15 department;

16 (3) a reference to the Texas Education Agency in a law
17 or administrative rule that relates to Chapter 1001, Education
18 Code, means the Texas Commission of Licensing and Regulation or the
19 Texas Department of Licensing and Regulation, as applicable;

20 (4) a complaint, investigation, or other proceeding
21 before the Texas Education Agency that is related to Chapter 1001,
22 Education Code, is transferred without change in status to the
23 Texas Department of Licensing and Regulation, and the Texas
24 Department of Licensing and Regulation assumes, as appropriate and
25 without a change in status, the position of the Texas Education
26 Agency in an action or proceeding to which the Texas Education
27 Agency is a party;

1 (5) all money, contracts, leases, property, and
2 obligations of the Texas Education Agency related to Chapter 1001,
3 Education Code, are transferred to the Texas Department of
4 Licensing and Regulation;

5 (6) all property in the custody of the Texas Education
6 Agency related to Chapter 1001, Education Code, is transferred to
7 the Texas Department of Licensing and Regulation; and

8 (7) the unexpended and unobligated balance of any
9 money appropriated by the legislature for the Texas Education
10 Agency related to Chapter 1001, Education Code, is transferred to
11 the Texas Department of Licensing and Regulation.

12 (c) In accordance with the transition plan developed by the
13 Texas Education Agency and the Texas Department of Licensing and
14 Regulation under Subsection (a) of this section, on September 1,
15 2005, all full-time equivalent employee positions at the Texas
16 Education Agency that primarily concern the administration of
17 Chapter 1001, Education Code, become positions at the Texas
18 Department of Licensing and Regulation. When filling the
19 positions, the Texas Department of Licensing and Regulation shall
20 give first consideration to an applicant who, as of August 31, 2005,
21 was a full-time employee at the Texas Education Agency primarily
22 involved in administering Chapter 1001, Education Code.

23 (d) Before September 1, 2005, the Texas Education Agency may
24 agree with the Texas Department of Licensing and Regulation to
25 transfer any property of the Texas Education Agency to the Texas
26 Department of Licensing and Regulation to implement the transfer
27 required by this Act.

1 (e) In the period beginning with the effective date of this
2 Act and ending on September 1, 2005, the Texas Education Agency
3 shall continue to perform functions and activities under Chapter
4 1001, Education Code, as if that chapter had not been amended by
5 this Act, and the former law is continued in effect for that
6 purpose.

7 SECTION 48. The changes in law made by this Act apply only
8 to a fee charged on or after September 1, 2005. A fee charged before
9 September 1, 2005, is governed by the law in effect immediately
10 before that date, and the former law is continued in effect for that
11 purpose.

12 SECTION 49. The changes in law made by this Act apply only
13 to a license issued or renewed on or after September 1, 2005. An
14 issuance or renewal that occurs before September 1, 2005, is
15 governed by the law in effect immediately before that date, and the
16 former law is continued in effect for that purpose.

17 SECTION 50. This Act takes effect immediately if it
18 receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section 39, Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this Act takes effect September 1, 2005.

ADOPTED

MAY 19 2005

FLOOR AMENDMENT NO. 1

Secretary of the Senate

BY: Jackson

Amend C.S.H.B. No. 468 (Senate Committee Printing) as follows:

(1) In Section 6 of the bill, in amended Subsection (a), Section 1001.055, Education Code (page 2, line 44), strike "or" and substitute "driver education school and the Texas Education Agency shall print and supply to each [ex]".

(2) In Section 6 of the bill, in amended Subsection (b), Section 1001.055, Education Code (page 2, line 49), strike "[agency] by rule shall" and substitute "and the Texas Education Agency [agency] by rule shall each".

(3) In Section 6 of the bill, in amended Subsection (c), Section 1001.055, Education Code (page 2, line 53), between "department" and "[agency]", insert "or the Texas Education Agency".

(4) In Section 34 of the bill, strike amended Subdivision (2), Subsection (b), Section 1001.354, Education Code (page 11, lines 35-39), and substitute the following:

(2) the alternative method includes testing and security measures that are at least as secure as the measures available in the usual classroom setting.

(5) Add the following appropriately numbered sections to the bill and renumber the remaining sections of the bill appropriately:

SECTION ____ . Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;

(2) has submitted to the department a driver education

1 certificate issued under Chapter 1001, Education Code [~~Section 9A,~~
2 ~~Texas Driver and Traffic Safety Education Act (Article 4413(29c),~~
3 ~~Vernon's Texas Civil Statutes)~~], that states that the person has
4 completed and passed a driver education course approved by the
5 department under Section 521.205 or by the Texas Education Agency
6 or the Texas Department of Licensing and Regulation;

7 (3) has obtained a high school diploma or its
8 equivalent or is a student:

9 (A) currently enrolled in a public school, home
10 school, or private school who attended school and, for each class in
11 which the student was enrolled [~~for at least 80 days~~] in the fall or
12 spring semester preceding the date of the driver's license
13 application, met the minimum attendance required for class credit
14 under Section 25.092, Education Code; or

15 (B) who has been enrolled for at least 45 days,
16 and is enrolled as of the date of the application, in a program to
17 prepare persons to pass the high school equivalency exam and during
18 that period of enrollment has met all attendance requirements for
19 the program; and

20 (4) has passed the examination required by Section
21 521.161.

22 SECTION ____ Sections 521.222(a) and (c), Transportation
23 Code, are amended to read as follows:

24 (a) The department or a driver education school licensed
25 under Chapter 1001, Education Code, or a driver education school
26 approved under Section 29.902 or 51.308, Education Code, [~~the Texas~~
27 ~~Driver and Traffic Safety Education Act (Article 4413(29c),~~
28 ~~Vernon's Texas Civil Statutes)~~] may issue an instruction permit,
29 including a Class A or Class B driver's license instruction permit,
30 to a person who:

31 (1) is 15 years of age or older but under 18 years of

1 age;

2 (2) has satisfactorily completed and passed the
3 classroom phase of an approved driver education course, which may
4 be a course approved under Section 521.205;

5 (3) meets the requirements imposed under Section
6 521.204(3); and

7 (4) has passed each examination required under Section
8 521.161 other than the driving test.

9 (c) A driver education school licensed under Chapter 1001,
10 Education Code, may issue an instruction permit to a person 18 years
11 of age or older who has successfully passed:

12 (1) a six-hour adult classroom driver education course
13 approved by the Texas Department of Licensing and Regulation
14 [Education Agency]; and

15 (2) each part of the driver's examination required by
16 Section 521.161 other than the driving test.

17 (6) In Section 46 of the bill (page 14, line 24), between
18 "Code," and "and Subchapter B", insert "Section 542.202(b)(3),
19 Transportation Code,".

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

ADOPTED

5-28-05

Date

MAY 29 2005

by NRV

Blaine Haney
Chief Clerk
House of Representatives

7/1/05

05 MAY 28 PM 9 42

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 468 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Mike Jackson

Mike Jackson, Chair

Glenn Hegar

Glenn Hegar, Chair

Craig Estes

Craig Estes

Joe Driver

Joe Driver

Frank Madla

Frank Madla

Stephen J. Frost

Stephen Frost

Fred Hill

Fred Hill

Todd Staples

Marc Veasey

On the part of the House

On the part of the Senate

Leticia Van de Putte

Marc Veasey

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

H.B. No. 468

A BILL TO BE ENTITLED

AN ACT

relating to driver and traffic safety education courses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1) and (c-1) to read as follows:

(b) The agency shall provide ~~[print and supply to]~~ each licensed course provider with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b) ~~[The certificates]~~ must be serial ~~[numbered serially]~~.

(c) The agency by rule shall provide for the design ~~[and distribution]~~ of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(e) The agency may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate to an operator shall collect from the

1 ~~[charge an]~~ operator a fee equal to the amount of the fee paid to the
2 agency for the [a] certificate number.

3 (f) A course provider license entitles a course provider to
4 purchase certificate numbers ~~[certificates]~~ for only one approved
5 driving safety course.

6 (g) A course provider ~~[The agency]~~ shall issue a duplicate
7 certificate by mail or commercial delivery ~~[certificates]~~. The
8 commissioner by rule shall determine the amount of the fee for
9 issuance of a duplicate certificate under this subsection.

10 SECTION 2. Section 1001.151(e), Education Code, is amended
11 to read as follows:

12 (e) The annual renewal fee for a course provider, driving
13 safety school, driver education school, or branch location is an
14 appropriate amount established by the commissioner not to exceed
15 \$200, except that the agency may waive the fee if revenue generated
16 by the issuance of ~~[uniform certificates of]~~ course completion
17 certificate numbers and driver education certificates is
18 sufficient to cover the cost of administering this chapter and
19 Article 45.0511, Code of Criminal Procedure.

20 SECTION 3. Section 1001.209(b), Education Code, is amended
21 to read as follows:

22 (b) A bond issued under Subsection (a) must be:

23 (1) issued by a company authorized to do business in
24 this state;

25 (2) payable to the state to be used:

26 (A) for payment of a refund due a student of the
27 course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the agency; or

(C) to recover any ~~[the]~~ cost associated with providing [of uniform certificates of] course completion certificate numbers, including the cancellation of certificate numbers ~~[the agency demands be returned or any cost associated with the certificates];~~

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 4. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue ~~[mail]~~ a uniform certificate of course completion by mail or commercial delivery to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the agency in the manner established by the agency data identified by the agency relating to uniform certificates of course completion issued by the course provider.

SECTION 5. Section 1001.456(b), Education Code, is amended to read as follows:

(b) If the agency believes that a course provider, driving safety school, or driving safety instructor has violated this

chapter or a rule adopted under this chapter, the agency may, without notice:

(1) order a peer review of the course provider, driving safety school, or driving safety instructor;

(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase ~~[uniform certificates of]~~ course completion certificate numbers.

SECTION 6. Sections 1001.555(a) and (c), Education Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, a course completion certificate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(c) A person commits an offense if the person knowingly possesses a uniform certificate of course completion, a course completion certificate number, or a driver education certificate and is not authorized to possess the certificate or number.

SECTION 7. This Act takes effect September 1, 2005.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION 1. Amends Sections 1001.001(2), (3), (4), and (5) and adds (13-a), Education Code, to define "executive director."

Same as House version.

No equivalent provision.

SECTION 2. Amends Section 1001.002(c), Education Code, Exemptions.

Same as House version.

No equivalent provision.

SECTION 3. Amends Sections 1001.003 and 1001.004, Education Code.
Sec. 1001.003. Legislative Intent Regarding Small Businesses.
Sec. 1001.004. Cost of Administering Chapter.

Same as House version.

No equivalent provision.

SECTION 4. Amends Sections 1001.051 and 1001.052, Education Code.
Sec. 1001.051. Jurisdiction Over Schools.
Sec. 1001.052. Rules.

Same as House version.

No equivalent provision.

SECTION 5. Amends Sections 1001.053 and 1001.054, Education Code.
Sec. 1001.053. Powers and Duties of Department.
Sec. 1001.054. Rules Restricting Advertising.

Same as House version.

No equivalent provision.

SECTION 6. Amends Section 1001.055, Education Code, Driver Education Certificates.

Same as House version.

No equivalent provision.

SECTION 7. Amends the heading to Section 1001.056, Education Code, to read: Uniform Certificates of Driving Safety Course Completion.

Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Sections 1001.056(b), (c), (e), (f), and (g) and adds Subsections (b-1), (c-1), and (h), Education Code, relating to the Texas Education Agency's (TEA) provision of certain driver education course completion certificate numbers. (h) Provides that if a duplicate certificate issued by a course provider contains information that is different from the original certificate, the course provider shall include on the duplicate certificate in addition to the new information, the applicable information from the original with a notation about the change.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION 8. Same as House version, except also amends Subsection (d), relating to the form of the course certificate, and makes conforming changes.

SECTION 9. Amends Section 1001.057, Education Code, Electronic Transmission of Driving Safety Course Information.

SECTION 10. Adds Section 1001.058, Education Code, Designation of Person to Administer Chapter.

SECTION 11. Amends Sections 1001.101 and 1001.102, Education Code.
Sec. 1001.101. Driver Education Course Curriculum and Textbooks.
Sec. 1001.102. Alcohol Awareness Information.

SECTION 12. Amends Sections 1001.103(b), (d), and (e), Education Code, relating to drug and alcohol driving awareness programs.

CONFERENCE

SECTION 1. Substantially the same as House version, except deletes Subsection (h).

Same as House version.

Same as House version.

Same as House version.

Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 13. Amends Sections 1001.104 and 1001.105, Education Code. Sec. 1001.104. Hospital and Rehabilitation Facilities. Sec. 1001.105. Texas Department of Insurance.	Same as House version.
No equivalent provision.	SECTION 14. Amends Sections 1001.106(b), (c), and (d), Education Code, relating to the minimum standards of curriculum on the operation of vehicles at railroad and highway grade crossings.	Same as House version.
No equivalent provision.	SECTION 15. Amends Section 1001.107, Education Code, Information Relating to Litter Prevention.	Same as House version.
No equivalent provision.	SECTION 16. Amends Sections 1001.108(a) and (c), Education Code, relating to anatomical gifts information.	Same as House version.
No equivalent provision.	SECTION 17. Amends Section 1001.151, Education Code, Application, License, and Registration Fees.	Same as House version.
SECTION 2. Amends Section 1001.151(e), Education Code, relating to application, license, and registration fees, to make conforming changes.	No equivalent provision.	SECTION 2. Same as House version.
No equivalent provision.	SECTION 18. Amends Section 1001.153, Education Code, Complaint Investigation Fee.	Same as House version.
No equivalent provision.	SECTION 19. Amends Section 1001.202(b), Education Code, relating to licensing locations.	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 20. Amends Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code. Sec. 1001.203. Application. Sec. 1001.204. Requirements. Sec. 1001.205. Requirements for Driving Safety School License. Sec. 1001.206. Requirements for Course Provider License.	Same as House version.
No equivalent provision.	SECTION 21. Amends Sections 1001.207(a) and (b), Education Code, relating to bonding requirements for a driver education school.	Same as House version.
SECTION 3. Amends Section 1001.209(b), Education Code, relating to bond requirements for course providers.	SECTION 22. Same as House version, except makes conforming changes.	SECTION 3. Same as House version.
No equivalent provision.	SECTION 23. Amends Section 1001.210, Education Code, Alternate Form of Security.	Same as House version.
No equivalent provision.	SECTION 24. Amends Sections 1001.211(a) and (b), Education Code, relating to the issuance and form of a license.	Same as House version.
No equivalent provision.	SECTION 25. Amends Section 1001.212, Education Code, Notice of Denial of License.	Same as House version.
No equivalent provision.	SECTION 26. Amends Sections 1001.213(c) and (d), Education Code, to authorize the commission to establish fees for certain licenses that are different from the amounts established under Section 1001.151.	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 27. Amends Section 1001.214, Education Code, Duplicate License.	Same as House version.
No equivalent provision.	SECTION 28. Amends Sections 1001.251, 1001.252, and 1001.253, Education Code. Sec. 1001.251. License Required for Instructor. Sec. 1001.252. Signature and Seal on License Required. Sec. 1001.253. Driver Education Instructor Training.	Same as House version.
No equivalent provision.	SECTION 29. Amends Section 1001.254(a), Education Code, relating to a driver education instructor temporary license.	Same as House version.
No equivalent provision.	SECTION 30. Amends Sections 1001.255(a), (b), and (c), Education Code, relating to the regulation of certain driver education instructors.	Same as House version.
No equivalent provision.	SECTION 31. Amends Section 1001.256, Education Code, Duplicate License.	Same as House version.
No equivalent provision.	SECTION 32. Amends the heading of Subchapter G, Chapter 1001, Education Code, to read: License Expiration.	Same as House version.
SECTION 4. Amends Sections 1001.351(a) and (b), Education Code, relating to course provider responsibilities.	SECTION 33. Same as House version, except makes conforming changes.	SECTION 4. Substantially the same as House version.
No equivalent provision.	SECTION 34. Amends Sections 1001.354(a) and (b), Education Code, relating to an alternative method by which	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
	a driving safety school may teach a course.	
No equivalent provision.	SECTION 35. Amends Sections 1001.404(b) and (c), Education Code, relating to interest on refund.	Same as House version.
No equivalent provision.	SECTION 36. Amends Sections 1001.451 and 1001.452, Education Code. Sec. 1001.451. Prohibited Practices. Sec. 1001.452. Course of Instruction.	Same as House version.
No equivalent provision.	SECTION 37. Amends Sections 1001.453(d) and (e), Education Code, relating to distribution of written information on course provider.	Same as House version.
SECTION 5. Amends Section 1001.456(b), Education Code, relating to other disciplinary actions.	SECTION 38. Same as House version, except also amends Subsections (a), (c), and (d) to add an order of the commission or executive director to the list of items that can be violated. Makes conforming changes.	SECTION 5. Same as House version.
No equivalent provision.	SECTION 39. Amends the heading to Subchapter L, Chapter 1001, Education Code, to read: Penalties.	Same as House version.
SECTION 6. Amends Sections 1001.555(a) and (c), Education Code, relating to the unauthorized transfer or possession of a uniform certificate of course completion, <i>including a duplicate certificate, a course completion certificate number, including a duplicate number</i> , or a driver education certificate.	SECTION 40. Same as House version, except also amends Subsection (b) and makes conforming changes.	SECTION 6. Same as House version, except refers to a uniform certificate of course completion, <i>a course completion certificate number</i> , or a driver education certificate.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 41. Amends Article 45.0511(b), Code of Criminal Procedure, to make conforming changes.	Same as House version.
No equivalent provision.	SECTION 42. Amends Section 51.308, Education Code, Driver Education, relating to certain approval of a driver education course.	Same as House version.
No equivalent provision.	SECTION 43. Amends Section 521.1655(a), Transportation Code, to make conforming changes.	Same as House version.
No equivalent provision.	SECTION 44. Amends Section 521.203, Transportation Code, Restrictions on Class A and B Licenses.	Same as House version.
No equivalent provision.	SECTION _____. Amends Section 521.204(a), Transportation Code, to add to the list of stipulations a student must meet to get a driver's license. (FA1)	Same as House version.
No equivalent provision.	SECTION 45. Amends Sections 521.205(b) and (d), Transportation Code, relating to department-approved courses.	Same as House version.
No equivalent provision.	SECTION _____. Amends Sections 521.222(a) and (c), Transportation Code, relating to a hardship license. (FA1)	Same as House version.
No equivalent provision.	SECTION 46. Repeals sections of the Education Code and Transportation Code. (FA1)	Same as House version.
No equivalent provision.	SECTION 47. Transition provisions.	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 48. Saving provision relating to certain fees.	Same as House version.
No equivalent provision.	SECTION 49. Saving provision relating to the issuance and renewal of certain licenses.	Same as House version.
SECTION 7. Effective date is September 1, 2005.	SECTION 50. Provides that this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.	SECTION 7. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 28, 2005

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Tom Craddick, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 1001.056 of the Education Code relating to the issuance of certificates of driver and traffic safety education course completion. The Texas Education Agency would be required to sell course completion certificate numbers to course providers and would direct the purchaser to print and issue certificates and duplicate certificates. The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, SR, KJG, JGM

CONFERENCE COMMITTEE REPORT FORM

RECEIVED
SECRETARY OF SENATE

Austin, Texas

5 MAY 28 P6:21

Date

ADOPTED

31-0
MAY 29 2005

Letty Spaw
Secretary of the Senate

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 450 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

[Signature]
Mark Johnson, Clerk

[Signature]
Glenn Engel, Clerk

Craig Eaton

Joe Driver

[Signature]
Frank Hutto

[Signature]
Steven Voss

[Signature]
Rick Stepien

[Signature]
Rick Stepien

On the part of the Senate
[Signature]
Arturo Valdez Potts

On the part of the House
[Signature]
Kurt Voss

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

Filed 5/28/05 5:55 p.m.

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/20/05

Date

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.R. 460 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Mike Jackson, Chair

Glenn Boyer, Chair

Orin Lutes

Joe Driver

Frank Austin

Steven Frost

James Belknap

Frank Hall

On the part of the Senate

Carlisle Van der Burgh

On the part of the House

Marc Vanev

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

Filed 5/20/05 5:55 p.m.

CONFERENCE COMMITTEE REPORT

H.B. No. 468

A BILL TO BE ENTITLED

AN ACT

relating to driver and traffic safety education courses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1) and (c-1) to read as follows:

(b) The agency shall provide ~~[print and supply to]~~ each licensed course provider with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b) ~~[The certificates]~~ must be serial ~~[numbered serially]~~.

(c) The agency by rule shall provide for the design ~~[and distribution]~~ of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(e) The agency may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate to an operator shall collect from the

1 ~~[charge an]~~ operator a fee equal to the amount of the fee paid to the
2 agency for the [a] certificate number.

3 (f) A course provider license entitles a course provider to
4 purchase certificate numbers ~~[certificates]~~ for only one approved
5 driving safety course.

6 (g) A course provider ~~[The agency]~~ shall issue a duplicate
7 certificate by mail or commercial delivery ~~[certificates]~~. The
8 commissioner by rule shall determine the amount of the fee for
9 issuance of a duplicate certificate under this subsection.

10 SECTION 2. Section 1001.151(e), Education Code, is amended
11 to read as follows:

12 (e) The annual renewal fee for a course provider, driving
13 safety school, driver education school, or branch location is an
14 appropriate amount established by the commissioner not to exceed
15 \$200, except that the agency may waive the fee if revenue generated
16 by the issuance of ~~[uniform certificates of]~~ course completion
17 certificate numbers and driver education certificates is
18 sufficient to cover the cost of administering this chapter and
19 Article 45.0511, Code of Criminal Procedure.

20 SECTION 3. Section 1001.209(b), Education Code, is amended
21 to read as follows:

22 (b) A bond issued under Subsection (a) must be:

23 (1) issued by a company authorized to do business in
24 this state;

25 (2) payable to the state to be used:

26 (A) for payment of a refund due a student of the
27 course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the agency; or

(C) to recover any ~~[the]~~ cost associated with providing [of uniform certificates of] course completion certificate numbers, including the cancellation of certificate numbers ~~[the agency demands be returned or any cost associated with the certificates];~~

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 4. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue ~~[mail]~~ a uniform certificate of course completion by mail or commercial delivery to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the agency in the manner established by the agency data identified by the agency relating to uniform certificates of course completion issued by the course provider.

SECTION 5. Section 1001.456(b), Education Code, is amended to read as follows:

(b) If the agency believes that a course provider, driving safety school, or driving safety instructor has violated this

1 chapter or a rule adopted under this chapter, the agency may,
2 without notice:

3 (1) order a peer review of the course provider,
4 driving safety school, or driving safety instructor;

5 (2) suspend the enrollment of students in the school
6 or the offering of instruction by the instructor; or

7 (3) suspend the right to purchase ~~[uniform~~
8 ~~certificates of]~~ course completion certificate numbers.

9 SECTION 6. Sections 1001.555(a) and (c), Education Code,
10 are amended to read as follows:

11 (a) A person commits an offense if the person knowingly
12 sells, trades, issues, or otherwise transfers, or possesses with
13 intent to sell, trade, issue, or otherwise transfer, a uniform
14 certificate of course completion, a course completion certificate
15 number, or a driver education certificate to an individual, firm,
16 or corporation not authorized to possess the certificate or number.

17 (c) A person commits an offense if the person knowingly
18 possesses a uniform certificate of course completion, a course
19 completion certificate number, or a driver education certificate
20 and is not authorized to possess the certificate or number.

21 SECTION 7. This Act takes effect September 1, 2005.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 1. Amends Sections 1001.001(2), (3), (4), and (5) and adds (13-a), Education Code, to define "executive director."	Same as House version.
No equivalent provision.	SECTION 2. Amends Section 1001.002(c), Education Code, Exemptions.	Same as House version.
No equivalent provision.	SECTION 3. Amends Sections 1001.003 and 1001.004, Education Code. Sec. 1001.003. Legislative Intent Regarding Small Businesses. Sec. 1001.004. Cost of Administering Chapter.	Same as House version.
No equivalent provision.	SECTION 4. Amends Sections 1001.051 and 1001.052, Education Code. Sec. 1001.051. Jurisdiction Over Schools. Sec. 1001.052. Rules.	Same as House version.
No equivalent provision.	SECTION 5. Amends Sections 1001.053 and 1001.054, Education Code. Sec. 1001.053. Powers and Duties of Department. Sec. 1001.054. Rules Restricting Advertising.	Same as House version.
No equivalent provision.	SECTION 6. Amends Section 1001.055, Education Code, Driver Education Certificates.	Same as House version.
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House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
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No equivalent provision.	SECTION 9. Amends Section 1001.057, Education Code, Electronic Transmission of Driving Safety Course Information.	Same as House version.
No equivalent provision.	SECTION 10. Adds Section 1001.058, Education Code, Designation of Person to Administer Chapter.	Same as House version.
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No equivalent provision.	SECTION 12. Amends Sections 1001.103(b), (d), and (e), Education Code, relating to drug and alcohol driving awareness programs.	Same as House version.

House Bill 468
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Section-by-Section Analysis

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No equivalent provision.	SECTION 17. Amends Section 1001.151, Education Code, Application, License, and Registration Fees.	Same as House version.
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House Bill 468
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Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
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SECTION 3. Amends Section 1001.209(b), Education Code, relating to bond requirements for course providers.	SECTION 22. Same as House version, except makes conforming changes.	SECTION 3. Same as House version.
No equivalent provision.	SECTION 23. Amends Section 1001.210, Education Code, Alternate Form of Security.	Same as House version.
No equivalent provision.	SECTION 24. Amends Sections 1001.211(a) and (b), Education Code, relating to the issuance and form of a license.	Same as House version.
No equivalent provision.	SECTION 25. Amends Section 1001.212, Education Code, Notice of Denial of License.	Same as House version.
No equivalent provision.	SECTION 26. Amends Sections 1001.213(c) and (d), Education Code, to authorize the commission to establish fees for certain licenses that are different from the amounts established under Section 1001.151.	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 27. Amends Section 1001.214, Education Code, Duplicate License.	Same as House version.
No equivalent provision.	SECTION 28. Amends Sections 1001.251, 1001.252, and 1001.253, Education Code. Sec. 1001.251. License Required for Instructor. Sec. 1001.252. Signature and Seal on License Required. Sec. 1001.253. Driver Education Instructor Training.	Same as House version.
No equivalent provision.	SECTION 29. Amends Section 1001.254(a), Education Code, relating to a driver education instructor temporary license.	Same as House version.
No equivalent provision.	SECTION 30. Amends Sections 1001.255(a), (b), and (c), Education Code, relating to the regulation of certain driver education instructors.	Same as House version.
No equivalent provision.	SECTION 31. Amends Section 1001.256, Education Code, Duplicate License.	Same as House version.
No equivalent provision.	SECTION 32. Amends the heading of Subchapter G, Chapter 1001, Education Code, to read: License Expiration.	Same as House version.
SECTION 4. Amends Sections 1001.351(a) and (b), Education Code, relating to course provider responsibilities.	SECTION 33. Same as House version, except makes conforming changes.	SECTION 4. Substantially the same as House version.
No equivalent provision.	SECTION 34. Amends Sections 1001.354(a) and (b), Education Code, relating to an alternative method by which	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
	a driving safety school may teach a course.	
No equivalent provision.	SECTION 35. Amends Sections 1001.404(b) and (c), Education Code, relating to interest on refund.	Same as House version.
No equivalent provision.	SECTION 36. Amends Sections 1001.451 and 1001.452, Education Code. Sec. 1001.451. Prohibited Practices. Sec. 1001.452. Course of Instruction.	Same as House version.
No equivalent provision.	SECTION 37. Amends Sections 1001.453(d) and (e), Education Code, relating to distribution of written information on course provider.	Same as House version.
SECTION 5. Amends Section 1001.456(b), Education Code, relating to other disciplinary actions.	SECTION 38. Same as House version, except also amends Subsections (a), (c), and (d) to add an order of the commission or executive director to the list of items that can be violated. Makes conforming changes.	SECTION 5. Same as House version.
No equivalent provision.	SECTION 39. Amends the heading to Subchapter L, Chapter 1001, Education Code, to read: Penalties.	Same as House version.
SECTION 6. Amends Sections 1001.555(a) and (c), Education Code, relating to the unauthorized transfer or possession of a uniform certificate of course completion, <i>including a duplicate certificate, a course completion certificate number, including a duplicate number</i> , or a driver education certificate.	SECTION 40. Same as House version, except also amends Subsection (b) and makes conforming changes.	SECTION 6. Same as House version, except refers to a uniform certificate of course completion, <i>a course completion certificate number</i> , or a driver education certificate.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 41. Amends Article 45.0511(b), Code of Criminal Procedure, to make conforming changes.	Same as House version.
No equivalent provision.	SECTION 42. Amends Section 51.308, Education Code, Driver Education, relating to certain approval of a driver education course.	Same as House version.
No equivalent provision.	SECTION 43. Amends Section 521.1655(a), Transportation Code, to make conforming changes.	Same as House version.
No equivalent provision.	SECTION 44. Amends Section 521.203, Transportation Code, Restrictions on Class A and B Licenses.	Same as House version.
No equivalent provision.	SECTION _____. Amends Section 521.204(a), Transportation Code, to add to the list of stipulations a student must meet to get a driver's license. (FA1)	Same as House version.
No equivalent provision.	SECTION 45. Amends Sections 521.205(b) and (d), Transportation Code, relating to department-approved courses.	Same as House version.
No equivalent provision.	SECTION _____. Amends Sections 521.222(a) and (c), Transportation Code, relating to a hardship license. (FA1)	Same as House version.
No equivalent provision.	SECTION 46. Repeals sections of the Education Code and Transportation Code. (FA1)	Same as House version.
No equivalent provision.	SECTION 47. Transition provisions.	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION 48. Saving provision relating to certain fees.

Same as House version.

No equivalent provision.

SECTION 49. Saving provision relating to the issuance and renewal of certain licenses.

Same as House version.

SECTION 7. Effective date is September 1, 2005.

SECTION 50. Provides that this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

SECTION 7. Same as House version.

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-28-5

Date

HOUSE OF REPRESENTATIVES

05 MAY 28 PM 9:42

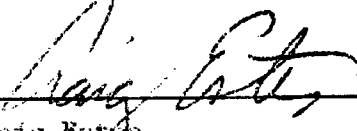
Honorable David Dewhurst
President of the Senate

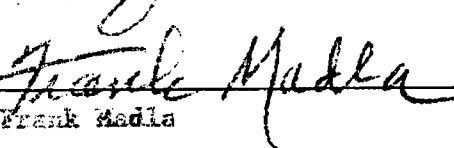
Honorable Tom Craddick
Speaker of the House of Representatives

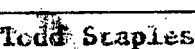
Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 468 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


Mike Jackson, Chair


Craig Estes

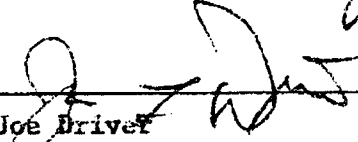

Frank Madla

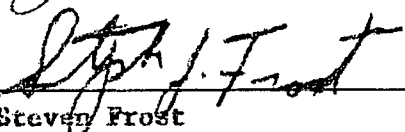

Todd Staples

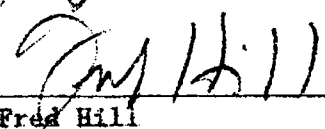
On the part of the Senate


Leticia Van de Putte


Glenn Hegar, Chair


Joe Driver


Steven Frost


Fred Hill


On the part of the House

Marc Veasey

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 468

A BILL TO BE ENTITLED

AN ACT

relating to driver and traffic safety education courses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1) and (c-1) to read as follows:

(b) The agency shall provide ~~[print and supply to]~~ each licensed course provider with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b) ~~[The certificates]~~ must be serial ~~[numbered serially]~~.

(c) The agency by rule shall provide for the design ~~[and distribution]~~ of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(e) The agency may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate to an operator shall collect from the

1 ~~[charge an]~~ operator a fee equal to the amount of the fee paid to the
2 agency for the [a] certificate number.

3 (f) A course provider license entitles a course provider to
4 purchase certificate numbers ~~[certificates]~~ for only one approved
5 driving safety course.

6 (g) A course provider ~~[The agency]~~ shall issue a duplicate
7 certificate by mail or commercial delivery ~~[certificates]~~. The
8 commissioner by rule shall determine the amount of the fee for
9 issuance of a duplicate certificate under this subsection.

10 SECTION 2. Section 1001.151(e), Education Code, is amended
11 to read as follows:

12 (e) The annual renewal fee for a course provider, driving
13 safety school, driver education school, or branch location is an
14 appropriate amount established by the commissioner not to exceed
15 \$200, except that the agency may waive the fee if revenue generated
16 by the issuance of ~~[uniform certificates of]~~ course completion
17 certificate numbers and driver education certificates is
18 sufficient to cover the cost of administering this chapter and
19 Article 45.0511, Code of Criminal Procedure.

20 SECTION 3. Section 1001.209(b), Education Code, is amended
21 to read as follows:

22 (b) A bond issued under Subsection (a) must be:

23 (1) issued by a company authorized to do business in
24 this state;

25 (2) payable to the state to be used:

26 (A) for payment of a refund due a student of the
27 course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the agency; or

(C) to recover any [the] cost associated with providing [of uniform certificates of] course completion certificate numbers, including the cancellation of certificate numbers [the agency demands be returned or any cost associated with the certificates];

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 4. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue [mail] a uniform certificate of course completion by mail or commercial delivery to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the agency in the manner established by the agency data identified by the agency relating to uniform certificates of course completion issued by the course provider.

SECTION 5. Section 1001.456(b), Education Code, is amended to read as follows:

(b) If the agency believes that a course provider, driving safety school, or driving safety instructor has violated this

1 chapter or a rule adopted under this chapter, the agency may,
2 without notice:

3 (1) order a peer review of the course provider,
4 driving safety school, or driving safety instructor;

5 (2) suspend the enrollment of students in the school
6 or the offering of instruction by the instructor; or

7 (3) suspend the right to purchase [~~uniform~~
8 ~~certificates of~~] course completion certificate numbers.

9 SECTION 6. Sections 1001.555(a) and (c), Education Code,
10 are amended to read as follows:

11 (a) A person commits an offense if the person knowingly
12 sells, trades, issues, or otherwise transfers, or possesses with
13 intent to sell, trade, issue, or otherwise transfer, a uniform
14 certificate of course completion, a course completion certificate
15 number, or a driver education certificate to an individual, firm,
16 or corporation not authorized to possess the certificate or number.

17 (c) A person commits an offense if the person knowingly
18 possesses a uniform certificate of course completion, a course
19 completion certificate number, or a driver education certificate
20 and is not authorized to possess the certificate or number.

21 SECTION 7. This Act takes effect September 1, 2005.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 1. Amends Sections 1001.001(2), (3), (4), and (5) and adds (13-a), Education Code, to define "executive director."	Same as House version.
No equivalent provision.	SECTION 2. Amends Section 1001.002(c), Education Code, Exemptions.	Same as House version.
No equivalent provision.	SECTION 3. Amends Sections 1001.003 and 1001.004, Education Code. Sec. 1001.003. Legislative Intent Regarding Small Businesses. Sec. 1001.004. Cost of Administering Chapter.	Same as House version.
No equivalent provision.	SECTION 4. Amends Sections 1001.051 and 1001.052, Education Code. Sec. 1001.051. Jurisdiction Over Schools. Sec. 1001.052. Rules.	Same as House version.
No equivalent provision.	SECTION 5. Amends Sections 1001.053 and 1001.054, Education Code. Sec. 1001.053. Powers and Duties of Department. Sec. 1001.054. Rules Restricting Advertising.	Same as House version.
No equivalent provision.	SECTION 6. Amends Section 1001.055, Education Code, Driver Education Certificates.	Same as House version.
No equivalent provision.	SECTION 7. Amends the heading to Section 1001.056, Education Code, to read: Uniform Certificates of Driving Safety Course Completion.	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Sections 1001.056(b), (c), (e), (f), and (g) and adds Subsections (b-1), (c-1), and (h), Education Code, relating to the Texas Education Agency's (TEA) provision of certain driver education course completion certificate numbers. (h) Provides that if a duplicate certificate issued by a course provider contains information that is different from the original certificate, the course provider shall include on the duplicate certificate in addition to the new information, the applicable information from the original with a notation about the change.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION 8. Same as House version, except also amends Subsection (d), relating to the form of the course certificate, and makes conforming changes.

SECTION 9. Amends Section 1001.057, Education Code, Electronic Transmission of Driving Safety Course Information.

SECTION 10. Adds Section 1001.058, Education Code, Designation of Person to Administer Chapter.

SECTION 11. Amends Sections 1001.101 and 1001.102, Education Code.
Sec. 1001.101. Driver Education Course Curriculum and Textbooks.
Sec. 1001.102. Alcohol Awareness Information.

SECTION 12. Amends Sections 1001.103(b), (d), and (e), Education Code, relating to drug and alcohol driving awareness programs.

CONFERENCE

SECTION 1. Substantially the same as House version, except deletes Subsection (h).

Same as House version.

Same as House version.

Same as House version.

Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 13. Amends Sections 1001.104 and 1001.105, Education Code. Sec. 1001.104. Hospital and Rehabilitation Facilities. Sec. 1001.105. Texas Department of Insurance.	Same as House version.
No equivalent provision.	SECTION 14. Amends Sections 1001.106(b), (c), and (d), Education Code, relating to the minimum standards of curriculum on the operation of vehicles at railroad and highway grade crossings.	Same as House version.
No equivalent provision.	SECTION 15. Amends Section 1001.107, Education Code, Information Relating to Litter Prevention.	Same as House version.
No equivalent provision.	SECTION 16. Amends Sections 1001.108(a) and (c), Education Code, relating to anatomical gifts information.	Same as House version.
No equivalent provision.	SECTION 17. Amends Section 1001.151, Education Code, Application, License, and Registration Fees.	Same as House version.
SECTION 2. Amends Section 1001.151(e), Education Code, relating to application, license, and registration fees, to make conforming changes.	No equivalent provision.	SECTION 2. Same as House version.
No equivalent provision.	SECTION 18. Amends Section 1001.153, Education Code, Complaint Investigation Fee.	Same as House version.
No equivalent provision.	SECTION 19. Amends Section 1001.202(b), Education Code, relating to licensing locations.	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 20. Amends Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code. Sec. 1001.203. Application. Sec. 1001.204. Requirements. Sec. 1001.205. Requirements for Driving Safety School License. Sec. 1001.206. Requirements for Course Provider License.	Same as House version.
No equivalent provision.	SECTION 21. Amends Sections 1001.207(a) and (b), Education Code, relating to bonding requirements for a driver education school.	Same as House version.
SECTION 3. Amends Section 1001.209(b), Education Code, relating to bond requirements for course providers.	SECTION 22. Same as House version, except makes conforming changes.	SECTION 3. Same as House version.
No equivalent provision.	SECTION 23. Amends Section 1001.210, Education Code, Alternate Form of Security.	Same as House version.
No equivalent provision.	SECTION 24. Amends Sections 1001.211(a) and (b), Education Code, relating to the issuance and form of a license.	Same as House version.
No equivalent provision.	SECTION 25. Amends Section 1001.212, Education Code, Notice of Denial of License.	Same as House version.
No equivalent provision.	SECTION 26. Amends Sections 1001.213(c) and (d), Education Code, to authorize the commission to establish fees for certain licenses that are different from the amounts established under Section 1001.151.	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 27. Amends Section 1001.214, Education Code, Duplicate License.	Same as House version.
No equivalent provision.	SECTION 28. Amends Sections 1001.251, 1001.252, and 1001.253, Education Code. Sec. 1001.251. License Required for Instructor. Sec. 1001.252. Signature and Seal on License Required. Sec. 1001.253. Driver Education Instructor Training.	Same as House version.
No equivalent provision.	SECTION 29. Amends Section 1001.254(a), Education Code, relating to a driver education instructor temporary license.	Same as House version.
No equivalent provision.	SECTION 30. Amends Sections 1001.255(a), (b), and (c), Education Code, relating to the regulation of certain driver education instructors.	Same as House version.
No equivalent provision.	SECTION 31. Amends Section 1001.256, Education Code, Duplicate License.	Same as House version.
No equivalent provision.	SECTION 32. Amends the heading of Subchapter G, Chapter 1001, Education Code, to read: License Expiration.	Same as House version.
SECTION 4. Amends Sections 1001.351(a) and (b), Education Code, relating to course provider responsibilities.	SECTION 33. Same as House version, except makes conforming changes.	SECTION 4. Substantially the same as House version.
No equivalent provision.	SECTION 34. Amends Sections 1001.354(a) and (b), Education Code, relating to an alternative method by which	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

a driving safety school may teach a course.

SECTION 35. Amends Sections 1001.404(b) and (c), Education Code, relating to interest on refund.

Same as House version.

No equivalent provision.

SECTION 36. Amends Sections 1001.451 and 1001.452, Education Code.
Sec. 1001.451. Prohibited Practices.
Sec. 1001.452. Course of Instruction.

Same as House version.

No equivalent provision.

SECTION 37. Amends Sections 1001.453(d) and (e), Education Code, relating to distribution of written information on course provider.

Same as House version.

SECTION 5. Amends Section 1001.456(b), Education Code, relating to other disciplinary actions.

SECTION 38. Same as House version, except also amends Subsections (a), (c), and (d) to add an order of the commission or executive director to the list of items that can be violated. Makes conforming changes.

SECTION 5. Same as House version.

No equivalent provision.

SECTION 39. Amends the heading to Subchapter L, Chapter 1001, Education Code, to read: Penalties.

Same as House version.

SECTION 6. Amends Sections 1001.555(a) and (c), Education Code, relating to the unauthorized transfer or possession of a uniform certificate of course completion, *including a duplicate certificate, a course completion certificate number, including a duplicate number, or a driver education certificate.*

SECTION 40. Same as House version, except also amends Subsection (b) and makes conforming changes.

SECTION 6. Same as House version, except refers to a uniform certificate of course completion, *a course completion certificate number*, or a driver education certificate.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 41. Amends Article 45.0511(b), Code of Criminal Procedure, to make conforming changes.	Same as House version.
No equivalent provision.	SECTION 42. Amends Section 51.308, Education Code, Driver Education, relating to certain approval of a driver education course.	Same as House version.
No equivalent provision.	SECTION 43. Amends Section 521.1655(a), Transportation Code, to make conforming changes.	Same as House version.
No equivalent provision.	SECTION 44. Amends Section 521.203, Transportation Code, Restrictions on Class A and B Licenses.	Same as House version.
No equivalent provision.	SECTION _____. Amends Section 521.204(a), Transportation Code, to add to the list of stipulations a student must meet to get a driver's license. (FA1)	Same as House version.
No equivalent provision.	SECTION 45. Amends Sections 521.205(b) and (d), Transportation Code, relating to department-approved courses.	Same as House version.
No equivalent provision.	SECTION _____. Amends Sections 521.222(a) and (c), Transportation Code, relating to a hardship license. (FA1)	Same as House version.
No equivalent provision.	SECTION 46. Repeals sections of the Education Code and Transportation Code. (FA1)	Same as House version.
No equivalent provision.	SECTION 47. Transition provisions.	Same as House version.

House Bill 468
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

No equivalent provision.

SECTION 7. Effective date is September 1, 2005.

SENATE VERSION

SECTION 48. Saving provision relating to certain fees.

SECTION 49. Saving provision relating to the issuance and renewal of certain licenses.

SECTION 50. Provides that this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

CONFERENCE

Same as House version.

Same as House version.

SECTION 7. Same as House version.

SENATE AMENDMENTS

2nd Printing

05 MAY 19 PM 6:03

HOUSE OF REPRESENTATIVES

By: Hegar

H.B. No. 468

A BILL TO BE ENTITLED

AN ACT

relating to driver and traffic safety education courses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1), (c-1), and (h) to read as follows:

(b) The agency shall provide ~~[print and supply to]~~ each licensed course provider with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b) ~~[The certificates]~~ must be serial ~~[numbered serially]~~.

(c) The agency by rule shall provide for the design ~~[and distribution]~~ of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(e) The agency may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate for an operator shall collect from the

1 ~~[charge an]~~ operator a fee equal to the amount of the fee paid to the
2 agency for the [a] certificate number.

3 (f) A course provider license entitles a course provider to
4 purchase certificate numbers ~~[certificates]~~ for only one approved
5 driving safety course.

6 (g) A course provider ~~[The agency]~~ shall issue a duplicate
7 certificate by United States mail or through a commercial delivery
8 service ~~[certificates]~~. The commissioner by rule shall determine
9 the amount of the fee collected by the course provider for issuance
10 of a duplicate certificate under this subsection.

11 (h) If a duplicate certificate issued by a course provider
12 contains information that is different from the original
13 certificate, the course provider shall include on the duplicate
14 certificate, in addition to the new information, the applicable
15 information from the original certificate with the notation
16 "changed to" indicating how the original information was changed.

17 SECTION 2. Section 1001.151(e), Education Code, is amended
18 to read as follows:

19 (e) The annual renewal fee for a course provider, driving
20 safety school, driver education school, or branch location is an
21 appropriate amount established by the commissioner not to exceed
22 \$200, except that the agency may waive the fee if revenue generated
23 by the issuance of ~~[uniform certificates of]~~ course completion
24 certificate numbers and driver education certificates is
25 sufficient to cover the cost of administering this chapter and
26 Article 45.0511, Code of Criminal Procedure.

27 SECTION 3. Section 1001.209(b), Education Code, is amended

to read as follows:

(b) A bond issued under Subsection (a) must be:

(1) issued by a company authorized to do business in this state;

(2) payable to the state to be used:

(A) for payment of a refund due a student of the course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the agency; or

(C) to recover any [the] cost associated with providing [of uniform certificates of] course completion certificate numbers, including the cancellation of certificate numbers [the agency demands be returned or any cost associated with the certificates];

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 4. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue and send [mail] a uniform certificate of course completion by United States mail or through a commercial delivery service to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the agency in the manner established by the agency data identified by the agency relating to uniform certificates of course completion issued by the course provider.

SECTION 5. Section 1001.456(b), Education Code, is amended to read as follows:

(b) If the agency believes that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule adopted under this chapter, the agency may, without notice:

(1) order a peer review of the course provider, driving safety school, or driving safety instructor;

(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase ~~[uniform certificates of]~~ course completion certificate numbers.

SECTION 6. Sections 1001.555(a) and (c), Education Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, including a duplicate certificate, a course completion certificate number, including a duplicate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(c) A person commits an offense if the person knowingly

1 possesses a uniform certificate of course completion, including a
2 duplicate certificate, a course completion certificate number,
3 including a duplicate number, or a driver education certificate and
4 is not authorized to possess the certificate or number.

5 SECTION 7. This Act takes effect September 1, 2005.

ADOPTED

as amended

MAY 19 2005

29-0
Leroy Spaw
Secretary of the Senate

By: _____

____.B. No. _____

Substitute the following for H.B. No. 468:

By: Bruner

C.S. ____ .B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to driver and traffic safety education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.001, Education Code, is amended by amending Subdivisions (2), (3), (4), and (5) and adding Subdivision (13-a) to read as follows:

(2) "Approved driving safety course" means a driving safety course approved by the department [~~commissioner~~].

(3) "Commission" [~~"Commissioner"~~] means the Texas Commission of Licensing and Regulation [~~commissioner of education~~].

(4) "Course provider" means an enterprise that:

(A) maintains a place of business or solicits business in this state;

(B) is operated by an individual, association, partnership, or corporation; and

(C) has received an approval for a driving safety course from the department [~~commissioner~~] or has been designated by a person who has received that approval to conduct business and represent the person in this state.

(5) "Department" means the Texas Department of Licensing and Regulation [~~Public Safety~~].

(13-a) "Executive director" means the executive director of the department.

1 SECTION 2. Section 1001.002(c), Education Code, is amended
2 to read as follows:

3 (c) A driver education course is exempt from this chapter,
4 other than Section 1001.055, if the course is:

5 (1) conducted by a vocational driver training school
6 operated to train or prepare a person for a field of endeavor in a
7 business, trade, technical, or industrial occupation;

8 (2) conducted by a school or training program that
9 offers only instruction of purely avocational or recreational
10 subjects as determined by the department [~~commissioner~~];

11 (3) sponsored by an employer to train its own
12 employees without charging tuition;

13 (4) sponsored by a recognized trade, business, or
14 professional organization with a closed membership to instruct the
15 members of the organization; or

16 (5) conducted by a school regulated and approved under
17 another law of this state.

18 SECTION 3. Sections 1001.003 and 1001.004, Education Code,
19 are amended to read as follows:

20 Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
21 BUSINESSES. It is the intent of the legislature that commission
22 [~~agency~~] rules that affect driver training schools that qualify as
23 small businesses be adopted and administered so as to have the least
24 possible adverse economic effect on the schools.

25 Sec. 1001.004. COST OF ADMINISTERING CHAPTER. The cost of
26 administering this chapter shall be included in the state budget
27 allowance for the department [~~agency~~].

1 SECTION 4. Sections 1001.051 and 1001.052, Education Code,
2 are amended to read as follows:

3 Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department
4 ~~[agency]~~ has jurisdiction over and control of driver training
5 schools regulated under this chapter.

6 Sec. 1001.052. RULES. The commission ~~[agency]~~ shall adopt
7 ~~[and administer]~~ comprehensive rules governing driver training,
8 including rules to ensure the integrity of approved driving safety
9 courses and enhance program quality ~~[driving safety courses].~~

10 SECTION 5. Sections 1001.053 and 1001.054, Education Code,
11 are amended to read as follows:

12 Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT
13 ~~[COMMISSIONER]~~. ~~[(a)]~~ The department ~~[commissioner]~~ shall:

14 (1) administer ~~[the policies of]~~ this chapter;

15 (2) enforce minimum standards for driver training
16 schools under this chapter;

17 (3) ~~[adopt and]~~ enforce rules adopted by the
18 commission necessary to administer this chapter; and

19 (4) inspect ~~[visit]~~ a driver training school or course
20 provider and reexamine the school or course provider for compliance
21 with this chapter.

22 ~~[(b)] The commissioner may designate a person knowledgeable~~
23 ~~in the administration of regulating driver training schools to~~
24 ~~administer this chapter.~~

25 ~~[(c)] The commissioner may adopt rules to ensure the~~
26 ~~integrity of approved driving safety courses and to enhance program~~
27 ~~quality.]~~

1 Sec. 1001.054. RULES RESTRICTING ADVERTISING [OR
2 ~~COMPETITIVE BIDDING~~]. [~~(a) The commissioner may not adopt a rule~~
3 ~~restricting advertising or competitive bidding by a driver training~~
4 ~~school except to prohibit a false, misleading, or deceptive~~
5 ~~practice.~~

6 [~~(b) The commissioner may not include in rules to prohibit~~
7 ~~false, misleading, or deceptive practices by a driver training~~
8 ~~school a rule that restricts.~~

9 [~~(1) the use of an advertising medium,~~

10 [~~(2) the outside dimensions of a printed advertisement~~
11 ~~or outdoor display,~~

12 [~~(3) the duration of an advertisement, or~~

13 [~~(4) advertisement under a trade name.~~

14 [~~(c)~~] The commission [~~commissioner~~] by rule may restrict
15 advertising by a branch location of a driver training school so that
16 the location adequately identifies the primary location of the
17 school in a solicitation.

18 SECTION 6. Section 1001.055, Education Code, is amended to
19 read as follows:

20 Sec. 1001.055. DRIVER EDUCATION CERTIFICATES. (a) The
21 department [~~agency~~] shall print and supply to each licensed or
22 exempt driver education school driver education certificates to be
23 used for certifying completion of an approved driver education
24 course to satisfy the requirements of Section 521.204(a)(2),
25 Transportation Code. The certificates must be numbered serially.

26 (b) The commission [~~agency~~] by rule shall provide for the
27 design and distribution of the certificates in a manner that, to the

1 greatest extent possible, prevents the unauthorized reproduction
2 or misuse of the certificates.

3 (c) The department [~~agency~~] may charge a fee of not more
4 than \$4 for each certificate.

5 SECTION 7. The heading to Section 1001.056, Education Code,
6 is amended to read as follows:

7 Sec. 1001.056. UNIFORM CERTIFICATES OF DRIVING SAFETY
8 COURSE COMPLETION.

9 SECTION 8. Section 1001.056, Education Code, is amended by
10 amending Subsections (b), (c), (d), (e), (f), and (g) and adding
11 Subsections (b-1), (c-1), and (h) to read as follows:

12 (b) The department [~~agency~~] shall provide [~~print and supply~~
13 ~~to~~] each licensed course provider with course completion
14 certificate numbers to enable the provider to print and issue
15 department-approved uniform certificates of course completion.

16 (b-1) Certificate numbering under Subsection (b) [~~The~~
17 ~~certificates~~] must be serial [~~numbered serially~~].

18 (c) The commission [~~agency~~] by rule shall provide for the
19 design [~~and distribution~~] of the certificates and the distribution
20 of certificate numbers in a manner that, to the greatest extent
21 possible, prevents the unauthorized production or the misuse of the
22 certificates or certificate numbers.

23 (c-1) A course provider shall provide for the printing and
24 issuance of original and duplicate certificates in a manner that,
25 to the greatest extent possible, prevents the unauthorized
26 production or the misuse of the certificates.

27 (d) A certificate under this section must:

1 (1) be in a form required by the department [~~agency~~];
2 and

3 (2) include an identifying number by which the
4 department [~~agency~~], a court, or the Department of Public Safety
5 [~~department~~] may verify its authenticity with the course provider.

6 (e) The department [~~agency~~] may charge a fee of not more
7 than \$4 for each course completion certificate number. A course
8 provider that supplies a certificate for an operator shall collect
9 from the [~~charge an~~] operator a fee equal to the amount of the fee
10 paid to the department [~~agency~~] for the [~~a~~] certificate number.

11 (f) A course provider license entitles a course provider to
12 purchase certificate numbers [~~certificates~~] for only one approved
13 driving safety course.

14 (g) A course provider [~~The agency~~] shall issue a duplicate
15 certificate by United States mail or through a commercial delivery
16 service [~~certificates~~]. The commission [~~commissioner~~] by rule
17 shall determine the amount of the fee collected by the course
18 provider for issuance of a duplicate certificate under this
19 subsection.

20 (h) If a duplicate certificate issued by a course provider
21 contains information that is different from the original
22 certificate, the course provider shall include on the duplicate
23 certificate, in addition to the new information, the applicable
24 information from the original certificate with the notation
25 "changed to" indicating how the original information was changed.

26 SECTION 9. Section 1001.057, Education Code, is amended to
27 read as follows:

1 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY
2 COURSE INFORMATION. The department [~~agency~~] shall investigate
3 options to develop and implement procedures to electronically
4 transmit information relating to driving safety courses to
5 municipal and justice courts.

6 SECTION 10. Subchapter B, Chapter 1001, Education Code, is
7 amended by adding Section 1001.058 to read as follows:

8 Sec. 1001.058. DESIGNATION OF PERSON TO ADMINISTER CHAPTER.
9 The executive director may designate a person knowledgeable in the
10 administration of regulating driver training schools to administer
11 this chapter for the department.

12 SECTION 11. Sections 1001.101 and 1001.102, Education Code,
13 are amended to read as follows:

14 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND
15 TEXTBOOKS. The commission [~~commissioner~~] by rule shall establish
16 the curriculum and designate the textbooks to be used in a driver
17 education course.

18 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The
19 commission [~~agency~~] by rule shall require that information relating
20 to alcohol awareness and the effect of alcohol on the effective
21 operation of a motor vehicle be included in the curriculum of any
22 driver education course or driving safety course.

23 (b) In developing rules under this section, the commission
24 [~~agency~~] shall consult with the Department of Public Safety
25 [~~department~~].

26 SECTION 12. Sections 1001.103(b), (d), and (e), Education
27 Code, are amended to read as follows:

1 (b) The department [~~agency~~] shall develop standards for a
2 separate school certification and approve curricula for drug and
3 alcohol driving awareness programs that include one or more
4 courses. Except as provided by commission [~~agency~~] rule, a program
5 must be offered in the same manner as a driving safety course.

6 (d) In accordance with Section 461.013(b), Health and
7 Safety Code, the department [~~agency~~] and the Texas Department of
8 State Health Services [~~Commission on Alcohol and Drug Abuse~~] shall
9 enter into a memorandum of understanding for the interagency
10 approval of the required curricula.

11 (e) The commission [~~Notwithstanding Section 1001.056,~~
12 ~~Subchapter D, and Sections 1001.213 and 1001.303, the commissioner]~~
13 may establish fees in connection with the programs under this
14 section. The fees must be in amounts reasonable and necessary to
15 administer the department's [~~agency's~~] duties under this section.

16 SECTION 13. Sections 1001.104 and 1001.105, Education Code,
17 are amended to read as follows:

18 Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a)
19 The department [~~agency~~] shall enter into a memorandum of
20 understanding with the Department of Aging and Disability Services
21 [~~Texas Rehabilitation Commission~~] and the Department of Public
22 Safety [~~department~~] for the interagency development of curricula
23 and licensing criteria for hospital and rehabilitation facilities
24 that teach driver education.

25 (b) The department [~~agency~~] shall administer comprehensive
26 rules governing driver education courses adopted by mutual
27 agreement among the commission [~~agency~~], the Department of Aging

1 and Disability Services [~~Texas Rehabilitation Commission~~], and the
2 Department of Public Safety [~~department~~].

3 Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The
4 commission [~~agency~~] shall enter into a memorandum of understanding
5 with the Texas Department of Insurance for the interagency
6 development of a curriculum for driving safety courses.

7 SECTION 14. Sections 1001.106(b), (c), and (d), Education
8 Code, are amended to read as follows:

9 (b) The commission [~~commissioner~~] by rule shall provide
10 minimum standards of curriculum relating to operation of vehicles
11 at railroad and highway grade crossings.

12 (c) Subchapter F, Chapter 51, Occupations Code, Section
13 51.353, Occupations Code, and Section [~~Sections 1001.454,~~
14 1001.456 of this code [~~, and 1001.553~~] do not apply to a violation of
15 this section or a rule adopted under this section.

16 (d) Section 51.352, Occupations Code, and Sections
17 [~~1001.455(a)(6),~~] 1001.501 [~~, 1001.551, 1001.552,~~] and 1001.554 of
18 this code do not apply to a violation of this section.

19 SECTION 15. Section 1001.107, Education Code, is amended to
20 read as follows:

21 Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

22 (a) The commission [~~commissioner~~] by rule shall require that
23 information relating to litter prevention be included in the
24 curriculum of each driver education and driving safety course.

25 (b) In developing rules under this section, the commission
26 [~~commissioner~~] shall consult the Department of Public Safety
27 [~~department~~].

1 SECTION 16. Sections 1001.108(a) and (c), Education Code,
2 are amended to read as follows:

3 (a) The commission [~~commissioner~~] by rule shall require
4 that information relating to anatomical gifts be included in the
5 curriculum of each driver education course and driving safety
6 course.

7 (c) In developing rules under this section, the commission
8 [~~commissioner~~] shall consult with the Department of Public Safety
9 [~~department~~] and the [~~Texas~~] Department of State Health Services.

10 SECTION 17. Section 1001.151, Education Code, is amended to
11 read as follows:

12 Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION
13 FEES. (a) The commission [~~commissioner~~] shall establish [~~collect~~]
14 application, license, and registration fees. The fees must be in
15 amounts sufficient to cover administrative costs and are
16 nonrefundable. The department shall collect the application,
17 license, and registration fees.

18 (b) The commission shall establish a fee for:

19 (1) an initial driver education school license and [~~is~~
20 ~~\$1,000 plus \$850~~] for each branch location; [~~+~~]

21 (2) [~~(c) The fee for~~] an initial driving safety
22 school license; [~~is an appropriate amount established by the~~
23 ~~commissioner not to exceed \$200.~~]

24 (3) [~~(d) The fee for~~] an initial course provider
25 license [~~is an appropriate amount established by the commissioner~~
26 ~~not to exceed \$2,000~~], except that the commission [~~agency~~] may
27 waive the fee if revenue received from the course provider is

1 sufficient to cover the cost of licensing the course provider; ~~[-]~~

2 (4) the ~~[(e) The]~~ annual renewal ~~[fee]~~ for a course
3 provider, driving safety school, driver education school, or branch
4 location ~~[is an appropriate amount established by the commissioner~~
5 ~~not to exceed \$200]~~, except that the commission ~~[agency]~~ may waive
6 the fee if revenue generated by the issuance of ~~[uniform~~
7 ~~certificates of]~~ course completion certificate numbers and driver
8 education certificates is sufficient to cover the cost of
9 administering this chapter and Article 45.0511, Code of Criminal
10 Procedure; ~~[-]~~

11 (5) ~~[(f) The fee for]~~ a change of address of ~~[-~~
12 ~~[(1)]~~ a driver education school, ~~[is \$180, and~~
13 ~~[(2)]~~ a driving safety school, or course provider; ~~[is~~
14 ~~\$50.]~~

15 (6) ~~[(g) The fee for]~~ a change of name of:

16 (A) ~~[(1)]~~ a driver education school or course
17 provider or an owner of a driver education school or course provider
18 ~~[is \$100]; or [and]~~

19 (B) ~~[(2)]~~ a driving safety school or owner of a
20 driving safety school; ~~[is \$50.]~~

21 (7) ~~[(h) The application fee for]~~ each additional
22 driver education or driving safety course at a driver training
23 school; ~~[is \$25.]~~

24 (8) an ~~[(i) The]~~ application of a ~~[fee for]~~

25 ~~[(1) each]~~ director, ~~[is \$30, and~~

26 ~~[(2) each]~~ assistant director, or administrative
27 staff member; ~~[is \$15.]~~

1 (9) an [~~(j)~~ ~~Each~~] application for approval of a
2 driving safety course that has not been evaluated by the
3 department; and

4 (10) an application for approval to teach an approved
5 driving safety course by an alternative method [~~commissioner must~~
6 ~~be accompanied by a nonrefundable fee of \$9,000~~].

7 (c) [~~(k)~~] An application for an original driver education
8 or driving safety instructor license must be accompanied by a
9 processing fee [~~of \$50~~] and an annual license fee [~~of \$25~~], except
10 that the department [~~commissioner~~] may not collect the processing
11 fee from an applicant for a driver education instructor license who
12 is currently teaching a driver education course in a public school
13 in this state.

14 (d) [~~(l)~~] The commission [~~commissioner~~] shall establish the
15 amount of the fee for a duplicate license.

16 SECTION 18. Section 1001.153, Education Code, is amended to
17 read as follows:

18 Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The
19 commission [~~commissioner~~] shall establish the amount of the fee to
20 investigate a driver training school or course provider to resolve
21 a complaint against the school or course provider.

22 (b) The fee may be charged only if:

23 (1) the complaint could not have been resolved solely
24 by telephone or in writing;

25 (2) a representative of the department [~~agency~~]
26 visited the school or course provider as a part of the complaint
27 resolution process; and

1 (3) the school or course provider was found to be at
2 fault.

3 SECTION 19. Section 1001.202(b), Education Code, is amended
4 to read as follows:

5 (b) A driving safety school may use multiple classroom
6 locations to teach a driving safety course if each location:

7 (1) is approved by the parent school and the
8 department ~~[agency]~~;

9 (2) has the same name as the parent school; and

10 (3) has the same ownership as the parent school.

11 SECTION 20. Sections 1001.203, 1001.204, 1001.205, and
12 1001.206, Education Code, are amended to read as follows:

13 Sec. 1001.203. APPLICATION. To operate or do business in
14 this state, a driver training school must apply to the department
15 ~~[commissioner]~~ for the appropriate license. The application must:

16 (1) be in writing;

17 (2) be in the form prescribed by the department
18 ~~[commissioner]~~;

19 (3) include all required information; and

20 (4) be verified.

21 Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL
22 LICENSE. The department ~~[commissioner]~~ shall approve an
23 application for a driver education school license if, on
24 investigation of the premises of the school, it is determined that
25 the school:

26 (1) has courses, curricula, and instruction of a
27 quality, content, and length that reasonably and adequately achieve

1 the stated objective for which the courses, curricula, and
2 instruction are offered;

3 (2) has adequate space, equipment, instructional
4 material, and instructors to provide training of good quality in
5 the classroom and behind the wheel;

6 (3) has directors, instructors, and administrators
7 who have adequate educational qualifications and experience;

8 (4) provides to each student before enrollment:

9 (A) a copy of:

10 (i) the refund policy;

11 (ii) the schedule of tuition, fees, and
12 other charges; and

13 (iii) the regulations relating to absence,
14 grading policy, and rules of operation and conduct; and

15 (B) the department's name, mailing address,
16 [and] telephone number, and Internet website address ~~[of the~~
17 ~~agency]~~ for the purpose of directing complaints to the department
18 [agency];

19 (5) maintains adequate records as prescribed by the
20 department ~~[commissioner]~~ to show attendance and progress or grades
21 and enforces satisfactory standards relating to attendance,
22 progress, and conduct;

23 (6) on completion of training, issues each student a
24 certificate indicating the course name and satisfactory
25 completion;

26 (7) complies with all county, municipal, state, and
27 federal regulations, including fire, building, and sanitation

1 codes and assumed name registration;

2 (8) is financially sound and capable of fulfilling its
3 commitments for training;

4 (9) has administrators, directors, owners, and
5 instructors who are of good reputation and character;

6 (10) maintains and publishes as part of its student
7 enrollment contract the proper policy for the refund of the unused
8 portion of tuition, fees, and other charges if a student fails to
9 take the course or withdraws or is discontinued from the school at
10 any time before completion;

11 (11) does not use erroneous or misleading advertising,
12 either by actual statement, omission, or intimation, as determined
13 by the department ~~[commissioner]~~;

14 (12) does not use a name similar to the name of another
15 ~~[existing]~~ school licensed in this state or of a tax-supported
16 educational institution in this state, unless specifically
17 approved in writing by the executive director ~~[commissioner]~~;

18 (13) submits to the department ~~[agency]~~ for approval
19 the applicable course hour lengths and curriculum content for each
20 course offered by the school;

21 (14) does not owe an administrative penalty for a
22 violation of ~~[under]~~ this chapter; and

23 (15) meets any additional criteria required by the
24 department ~~[agency]~~.

25 Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL
26 LICENSE. The department ~~[commissioner]~~ shall approve an
27 application for a driving safety school license if on investigation

1 the department [~~agency~~] determines that the school:

2 (1) has driving safety courses, curricula, and
3 instruction of a quality, content, and length that reasonably and
4 adequately achieve the stated objective for which the course,
5 curricula, and instruction are developed by the course provider;

6 (2) has adequate space, equipment, instructional
7 material, and instructors to provide training of good quality;

8 (3) has instructors and administrators who have
9 adequate educational qualifications and experience;

10 (4) maintains adequate records as prescribed by the
11 department [~~commissioner~~] to show attendance and progress or grades
12 and enforces satisfactory standards relating to attendance,
13 progress, and conduct;

14 (5) complies with all county, municipal, state, and
15 federal laws, including fire, building, and sanitation codes and
16 assumed name registration;

17 (6) has administrators, owners, and instructors who
18 are of good reputation and character;

19 (7) does not use erroneous or misleading advertising,
20 either by actual statement, omission, or intimation, as determined
21 by the department [~~commissioner~~];

22 (8) does not use a name similar to the name of another
23 [~~existing~~] school licensed in this state or of a tax-supported
24 educational establishment in this state, unless specifically
25 approved in writing by the executive director [~~commissioner~~];

26 (9) maintains and uses the approved contract and
27 policies developed by the course provider;

1 (10) does not owe an administrative penalty for a
2 violation of [~~under~~] this chapter;

3 (11) will not provide a driving safety course to a
4 person for less than \$25; and

5 (12) meets additional criteria required by the
6 department [~~commissioner~~].

7 Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE.

8 The department [~~commissioner~~] shall approve an application for a
9 course provider license if on investigation the department [~~agency~~]
10 determines that:

11 (1) the course provider has an approved course that at
12 least one licensed driving safety school is willing to offer;

13 (2) the course provider has adequate educational
14 qualifications and experience;

15 (3) the course provider will:

16 (A) develop and provide to each driving safety
17 school that offers the approved course a copy of:

18 (i) the refund policy; and

19 (ii) the regulations relating to absence,
20 grading policy, and rules of operation and conduct; and

21 (B) provide to the driving safety school the
22 department's name, mailing address, [~~and~~] telephone number, and
23 Internet website address [~~of the agency~~] for the purpose of
24 directing complaints to the department [~~agency~~];

25 (4) a copy of the information provided to each driving
26 safety school under Subdivision (3) will be provided to each
27 student by the school before enrollment;

1 (5) not later than the 15th working day after the date
2 the person successfully completes the course, the course provider
3 will mail a uniform certificate of course completion to the person
4 indicating the course name and successful completion;

5 (6) the course provider maintains adequate records as
6 prescribed by the department [~~commissioner~~] to show attendance and
7 progress or grades and enforces satisfactory standards relating to
8 attendance, progress, and conduct;

9 (7) the course provider complies with all county,
10 municipal, state, and federal laws, including assumed name
11 registration and other applicable requirements;

12 (8) the course provider is financially sound and
13 capable of fulfilling its commitments for training;

14 (9) the course provider is of good reputation and
15 character;

16 (10) the course provider maintains and publishes as a
17 part of its student enrollment contract the proper policy for the
18 refund of the unused portion of tuition, fees, and other charges if
19 a student fails to take the course or withdraws or is discontinued
20 from the school at any time before completion;

21 (11) the course provider does not use erroneous or
22 misleading advertising, either by actual statement, omission, or
23 intimation, as determined by the department [~~commissioner~~];

24 (12) the course provider does not use a name similar to
25 the name of another [~~existing~~] school licensed in this state or of a
26 tax-supported educational institution in this state, unless
27 specifically approved in writing by the executive director

1 ~~[commissioner]~~;

2 (13) the course provider does not owe an
3 administrative penalty for a violation of ~~[under]~~ this chapter; and

4 (14) the course provider meets additional criteria
5 required by the department ~~[commissioner]~~.

6 SECTION 21. Sections 1001.207(a) and (b), Education Code,
7 are amended to read as follows:

8 (a) Before a driver education school may be issued a
9 license, the school must file a corporate surety bond with the
10 department ~~[commissioner]~~ in the amount of:

11 (1) \$10,000 for the primary location of the school;
12 and

13 (2) \$5,000 for each branch location.

14 (b) A bond issued under Subsection (a) must be:

15 (1) issued in a form approved by the department
16 ~~[commissioner]~~;

17 (2) issued by a company authorized to do business in
18 this state;

19 (3) payable to the state to be used only for payment of
20 a refund due to a student or potential student;

21 (4) conditioned on the compliance of the school and
22 its officers, agents, and employees with this chapter and rules
23 adopted under this chapter; and

24 (5) issued for a period corresponding to the term of
25 the license.

26 SECTION 22. Section 1001.209(b), Education Code, is amended
27 to read as follows:

(b) A bond issued under Subsection (a) must be:

(1) issued by a company authorized to do business in this state;

(2) payable to the state to be used:

(A) for payment of a refund due a student of the course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the department [~~agency~~]; or

(C) to recover any [~~the~~] cost associated with providing [~~of uniform certificates of~~] course completion certificate numbers, including the cancellation of certificate numbers [~~the agency demands be returned or any cost associated with the certificates~~];

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 23. Section 1001.210, Education Code, is amended to read as follows:

Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the bond required by Section 1001.207 or 1001.209, a driver education school or course provider may provide another form of security that is:

(1) [~~(A)~~] approved by the department [~~commissioner~~];

and

(2) [~~(B)~~] in the amount required for a comparable bond

1 under Section 1001.207 or 1001.209.

2 SECTION 24. Sections 1001.211(a) and (b), Education Code,
3 are amended to read as follows:

4 (a) The department [~~commissioner~~] shall issue a license to
5 an applicant for a license under this subchapter if:

6 (1) the application is submitted in accordance with
7 this subchapter; and

8 (2) the applicant meets the requirements of this
9 chapter.

10 (b) A license must be in a form determined by the department
11 [~~commissioner~~] and must show in a clear and conspicuous manner:

12 (1) the date of issuance, effective date, and term of
13 the license;

14 (2) the name and address of the driver training school
15 or course provider;

16 (3) the authority for and conditions of approval;

17 (4) the executive director's [~~commissioner's~~]
18 signature; and

19 (5) any other fair and reasonable representation that
20 is consistent with this chapter and that the department
21 [~~commissioner~~] considers necessary.

22 SECTION 25. Section 1001.212, Education Code, is amended to
23 read as follows:

24 Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department
25 [~~commissioner~~] shall provide a person whose application for a
26 license under this subchapter is denied a written statement of the
27 reasons for the denial.

1 SECTION 26. Sections 1001.213(c) and (d), Education Code,
2 are amended to read as follows:

3 (c) The commission may establish ~~[Instead of the]~~ fees
4 ~~[required by Section 1001.151, the fee]~~ for a new driver education
5 school or course provider license under Subsection (b) and ~~[is~~
6 ~~\$500, plus \$200]~~ for each branch location that are different from
7 the amounts established under Section 1001.151[7] if:

8 (1) the new owner is substantially similar to the
9 previous owner; and

10 (2) there is no significant change in the management
11 or control of the driver education school or course provider.

12 (d) The department ~~[commissioner]~~ is not required to
13 reinspect a school or a branch location after a change of ownership.

14 SECTION 27. Section 1001.214, Education Code, is amended to
15 read as follows:

16 Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may
17 be issued to a driver training school or course provider if:

18 (1) the original license is lost or destroyed; and

19 (2) an affidavit of that fact is filed with the
20 department ~~[agency]~~.

21 SECTION 28. Sections 1001.251, 1001.252, and 1001.253,
22 Education Code, are amended to read as follows:

23 Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A
24 person may not teach or provide driver education, either as an
25 individual or in a driver education school, or conduct any phase of
26 driver education, unless the person holds a driver education
27 instructor license issued by the department ~~[agency]~~.

1 (b) A person may not teach or provide driving safety
2 training, either as an individual or in a driving safety school, or
3 conduct any phase of driving safety education, unless the person
4 holds a driving safety instructor license issued by the department
5 [~~agency~~]. This subsection does not apply to an instructor of a
6 driving safety course that does not provide a uniform certificate
7 of course completion to its graduates.

8 Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A
9 license under this subchapter must be signed by the executive
10 director [~~commissioner~~].

11 Sec. 1001.253. DRIVER EDUCATION INSTRUCTOR TRAINING. (a)
12 The department [~~commissioner~~] shall establish standards for
13 certification of professional and paraprofessional personnel who
14 conduct driver education programs in driver education schools.

15 (b) A driver education instructor license authorizing a
16 person to teach or provide behind-the-wheel training may not be
17 issued unless the person has successfully completed six semester
18 hours of driver and traffic safety education or a program of study
19 in driver education approved by the department [~~commissioner~~] from
20 an approved driver education school.

21 (c) A person who holds a driver education instructor license
22 authorizing behind-the-wheel training may not be approved to assist
23 a classroom instructor in the classroom phase of driver education
24 unless the person has successfully completed the three additional
25 semester hours of training required for a classroom instructor or a
26 program of study in driver education approved by the department
27 [~~commissioner~~].

1 (d) Except as provided by Section 1001.254, a driver
2 education instructor license authorizing a person to teach or
3 provide classroom training may not be issued unless the person:

4 (1) has completed nine semester hours of driver and
5 traffic safety education or a program of study in driver education
6 approved by the department [~~commissioner~~] from an approved driver
7 education school; and

8 (2) holds a teaching certificate and any additional
9 certification required to teach driver education.

10 (e) A driver education instructor who has completed the
11 educational requirements prescribed by Subsection (d)(1) may not
12 teach instructor training classes unless the instructor has
13 successfully completed a supervising instructor development
14 program consisting of at least six additional semester hours or a
15 program of study in driver education approved by the department
16 [~~commissioner~~] that includes administering driver education
17 programs and supervising and administering traffic safety
18 education.

19 (f) A driver education school may submit for department
20 [~~agency~~] approval a curriculum for an instructor development
21 program for driver education instructors. The program must:

22 (1) be taught by a person who has completed a
23 supervising instructor development program under Subsection (e);
24 and

25 (2) satisfy the requirements of this section for the
26 particular program or type of training to be provided.

27 SECTION 29. Section 1001.254(a), Education Code, is amended

1 to read as follows:

2 (a) A temporary driver education instructor license may be
3 issued authorizing a person to teach or provide classroom driver
4 education training if the person:

5 (1) has completed the educational requirements
6 prescribed by Section 1001.253(d)(1);

7 (2) holds a Texas teaching certificate with an
8 effective date before February 1, 1986;

9 (3) meets all license requirements, other than
10 successful completion of the examination required under rules
11 adopted by the State Board for Educator Certification to revalidate
12 the teaching certificate; and

13 (4) demonstrates, in a manner prescribed by the
14 department [~~commissioner~~], the intention to comply with the
15 examination requirement at the first available opportunity.

16 SECTION 30. Sections 1001.255(a), (b), and (c), Education
17 Code, are amended to read as follows:

18 (a) The department [~~agency~~] shall regulate as a driver
19 education school a driver education instructor who:

20 (1) teaches driver education courses in a county
21 having a population of 50,000 or less; and

22 (2) does not teach more than 200 students annually.

23 (b) An instructor described by Subsection (a) must submit to
24 the department [~~agency~~] an application for an initial or renewal
25 driver education school license, together with all required
26 documentation and information.

27 (c) The department [~~commissioner~~] may waive initial or

1 renewal driver education school license fees or the fee for a
2 director or administrative staff member.

3 SECTION 31. Section 1001.256, Education Code, is amended to
4 read as follows:

5 Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may
6 be issued to a driver education instructor or driving safety
7 instructor if:

8 (1) the original license is lost or destroyed; and

9 (2) an affidavit of that fact is filed with the
10 department ~~[agency]~~.

11 SECTION 32. The heading to Subchapter G, Chapter 1001,
12 Education Code, is amended to read as follows:

13 SUBCHAPTER G. LICENSE EXPIRATION ~~[AND RENEWAL]~~

14 SECTION 33. Sections 1001.351(a) and (b), Education Code,
15 are amended to read as follows:

16 (a) Not later than the 15th working day after the course
17 completion date, a course provider or a person at the course
18 provider's facilities shall issue and send ~~[mail]~~ a uniform
19 certificate of course completion by United States mail or through a
20 commercial delivery service to a person who successfully completes
21 an approved driving safety course.

22 (b) A course provider shall electronically submit to the
23 department ~~[agency]~~ in the manner established by the department
24 ~~[agency]~~ data identified by the department ~~[agency]~~ relating to
25 uniform certificates of course completion issued by the course
26 provider.

27 SECTION 34. Sections 1001.354(a) and (b), Education Code,

1 are amended to read as follows:

2 (a) A driving safety course may be taught at a driving
3 safety school if the school is approved by the department [~~agency~~].

4 (b) A driving safety school may teach an approved driving
5 safety course by an alternative method [~~that does not require~~
6 ~~students to be present in a classroom~~] if the department
7 [~~commissioner~~] approves the alternative method. The department
8 [~~commissioner~~] may approve the alternative method if:

9 (1) the department [~~commissioner~~] determines that the
10 approved driving safety course can be taught by the alternative
11 method; and

12 (2) the alternative method includes testing and
13 security measures that are at least as secure as the methods that
14 would be used if the course were taught at the school and that are
15 comparable to those [~~measures~~] available in a [~~the~~] usual classroom
16 setting.

17 SECTION 35. Sections 1001.404(b) and (c), Education Code,
18 are amended to read as follows:

19 (b) The department [~~commissioner~~] shall establish annually
20 the rate of interest for a refund at a rate sufficient to provide a
21 deterrent to the retention of student money.

22 (c) The department [~~agency~~] may except a driver education
23 school or course provider from the payment of interest if the school
24 or course provider makes a good-faith effort to refund tuition,
25 fees, and other charges but is unable to locate the student to whom
26 the refund is owed. On request of the department [~~agency~~], the
27 school or course provider shall document the effort to locate a

1 student.

2 SECTION 36. Sections 1001.451 and 1001.452, Education Code,
3 are amended to read as follows:

4 Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

5 (1) use advertising designed to mislead or deceive a
6 prospective student;

7 (2) fail to notify the department [~~commissioner~~] of
8 the discontinuance of the operation of a driver training school
9 before the fourth working day after the date of cessation of classes
10 and make available accurate records as required by this chapter;

11 (3) issue, sell, trade, or transfer:

12 (A) a uniform certificate of course completion or
13 driver education certificate to a person or driver training school
14 not authorized to possess the certificate;

15 (B) a uniform certificate of course completion to
16 a person who has not successfully completed an approved, six-hour
17 driving safety course; or

18 (C) a driver education certificate to a person
19 who has not successfully completed a department-approved
20 [~~commissioner-approved~~] driver education course;

21 (4) negotiate a promissory instrument received as
22 payment of tuition or another charge before the student completes
23 75 percent of the course, except that before that time the
24 instrument may be assigned to a purchaser who becomes subject to any
25 defense available against the school named as payee; or

26 (5) conduct any part of an approved driver education
27 course or driving safety course without having an instructor

1 physically present in appropriate proximity to the student for the
2 type of instruction being given.

3 Sec. 1001.452. COURSE OF INSTRUCTION. A driver training
4 school may not maintain, advertise, solicit for, or conduct a
5 course of instruction in this state before the later of:

6 (1) the 30th day after the date the school applies for
7 a driver training school license; or

8 (2) the date the school receives a driver training
9 school license from the department [~~commissioner~~].

10 SECTION 37. Sections 1001.453(d) and (e), Education Code,
11 are amended to read as follows:

12 (d) Subchapter F, Chapter 51, Occupations Code, Section
13 51.353, Occupations Code, and Section [~~Sections 1001.454,~~
14 1001.456(a) of this code [~~, and 1001.553~~] do not apply to a
15 violation of this section or a rule adopted under this section.

16 (e) Section 51.352, Occupations Code, and Sections
17 [~~1001.455(a)(6),~~] 1001.501[~~, 1001.551, 1001.552,~~] and 1001.554 of
18 this code do not apply to a violation of this section.

19 SECTION 38. Section 1001.456, Education Code, is amended to
20 read as follows:

21 Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the
22 department [~~agency~~] believes that a driver education school or
23 instructor has violated this chapter or a rule or order of the
24 commission or executive director [~~adopted under this chapter~~], the
25 department [~~agency~~] may, without notice:

26 (1) order a peer review;

27 (2) suspend the enrollment of students in the school

1 or the offering of instruction by the instructor; or

2 (3) suspend the right to purchase driver education
3 certificates.

4 (b) If the department [~~agency~~] believes that a course
5 provider, driving safety school, or driving safety instructor has
6 violated this chapter or a rule or order of the commission or
7 executive director [~~adopted under this chapter~~], the department
8 [~~agency~~] may, without notice:

9 (1) order a peer review of the course provider,
10 driving safety school, or driving safety instructor;

11 (2) suspend the enrollment of students in the school
12 or the offering of instruction by the instructor; or

13 (3) suspend the right to purchase [~~uniform~~
14 ~~certificates of~~] course completion certificate numbers.

15 (c) A peer review ordered under this section must be
16 conducted by a team of knowledgeable persons selected by the
17 department [~~agency~~]. The team shall provide the department
18 [~~agency~~] with an objective assessment of the content of the
19 school's or course provider's curriculum and its application. The
20 school or course provider shall pay the costs of the peer review.

21 (d) A suspension of enrollment under Subsection (a)(2) or
22 (b)(2) means a ruling by the executive director [~~commissioner~~] that
23 restricts a school from:

24 (1) accepting enrollments or reenrollments;

25 (2) advertising;

26 (3) soliciting; or

27 (4) directly or indirectly advising prospective

1 students of its program or course offerings.

2 SECTION 39. The heading to Subchapter L, Chapter 1001,
3 Education Code, is amended to read as follows:

4 SUBCHAPTER L. PENALTIES [~~AND ENFORCEMENT PROVISIONS~~]

5 SECTION 40. Sections 1001.555(a), (b), and (c), Education
6 Code, are amended to read as follows:

7 (a) A person commits an offense if the person knowingly
8 sells, trades, issues, or otherwise transfers, or possesses with
9 intent to sell, trade, issue, or otherwise transfer, a uniform
10 certificate of course completion, including a duplicate
11 certificate, a course completion certificate number, including a
12 duplicate number, or a driver education certificate to an
13 individual, firm, or corporation not authorized to possess the
14 certificate or number.

15 (b) The department [~~agency~~] shall contract with the
16 Department of Public Safety [~~department~~] to provide undercover and
17 investigative assistance in the enforcement of Subsection (a).

18 (c) A person commits an offense if the person knowingly
19 possesses a uniform certificate of course completion, including a
20 duplicate certificate, a course completion certificate number,
21 including a duplicate number, or a driver education certificate and
22 is not authorized to possess the certificate or number.

23 SECTION 41. Article 45.0511(b), Code of Criminal Procedure,
24 is amended to read as follows:

25 (b) The judge shall require the defendant to successfully
26 complete a driving safety course approved by the Texas Department
27 of Licensing and Regulation [~~Education Agency~~] or a course under

1 the motorcycle operator training and safety program approved by the
2 designated state agency under Chapter 662, Transportation Code, if:

3 (1) the defendant elects driving safety course or
4 motorcycle operator training course dismissal under this article;

5 (2) the defendant has not completed an approved
6 driving safety course or motorcycle operator training course, as
7 appropriate, within the 12 months preceding the date of the
8 offense;

9 (3) the defendant enters a plea under Article 45.021
10 in person or in writing of no contest or guilty on or before the
11 answer date on the notice to appear and:

12 (A) presents in person or by counsel to the court
13 a request to take a course; or

14 (B) sends to the court by certified mail, return
15 receipt requested, postmarked on or before the answer date on the
16 notice to appear, a written request to take a course;

17 (4) the defendant has a valid Texas driver's license or
18 permit;

19 (5) the defendant is charged with an offense to which
20 this article applies, other than speeding 25 miles per hour or more
21 over the posted speed limit; and

22 (6) the defendant provides evidence of financial
23 responsibility as required by Chapter 601, Transportation Code.

24 SECTION 42. Section 51.308, Education Code, is amended to
25 read as follows:

26 Sec. 51.308. DRIVER EDUCATION. A driver education course
27 for the purpose of preparing students to obtain a driver's license

1 may be offered by an institution of higher education, as defined by
2 Section 61.003, with the approval of the Texas ~~[Central]~~ Education
3 Agency.

4 SECTION 43. Section 521.1655(a), Transportation Code, is
5 amended to read as follows:

6 (a) A driver education school licensed under Chapter 1001,
7 Education Code, ~~[the Texas Driver and Traffic Safety Education Act~~
8 ~~(Article 4413(29c), Vernon's Texas Civil Statutes)]~~ may administer
9 to a student of that school the vision, highway sign, and traffic
10 law parts of the examination required by Section 521.161.

11 SECTION 44. Section 521.203, Transportation Code, is
12 amended to read as follows:

13 Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The
14 department may not issue a Class A or Class B driver's license to a
15 person who:

16 (1) is under 17 years of age;

17 (2) is under 18 years of age unless the person has
18 completed a driver training course approved by the Texas Department
19 of Licensing and Regulation or the Texas ~~[Central]~~ Education
20 Agency; or

21 (3) has not provided the department with an affidavit,
22 on a form prescribed by the department, that states that no vehicle
23 that the person will drive that requires a Class A or Class B
24 license is a commercial motor vehicle as defined by Section
25 522.003.

26 SECTION 45. Sections 521.205(b) and (d), Transportation
27 Code, are amended to read as follows:

1 (b) The department may not approve a course unless it
2 determines that the course materials are at least equal to those
3 required in a course approved by the Texas Department of Licensing
4 and Regulation or the Texas Education Agency, except that the
5 department may not require that:

6 (1) the classroom instruction be provided in a room
7 with particular characteristics or equipment; or

8 (2) the vehicle used for the behind-the-wheel
9 instruction have equipment other than the equipment otherwise
10 required by law for operation of the vehicle on a highway while the
11 vehicle is not being used for driver training.

12 (d) Completion of a driver education course approved under
13 this section has the same effect under this chapter as completion of
14 a driver education course approved by the Texas Department of
15 Licensing and Regulation or the Texas Education Agency.

16 SECTION 46. Sections 1001.001(1), 1001.152, 1001.303,
17 1001.304, 1001.454, 1001.455, 1001.457, 1001.458, 1001.459,
18 1001.460, 1001.461, 1001.551, 1001.552, and 1001.553, Education
19 Code, and Subchapter B, Chapter 543, Transportation Code, are
20 repealed.

21 SECTION 47. (a) As soon as practicable after the effective
22 date of this Act, the Texas Education Agency and the Texas
23 Department of Licensing and Regulation shall develop a transition
24 plan for transferring the functions performed by the Texas
25 Education Agency under Chapter 1001, Education Code, to the Texas
26 Department of Licensing and Regulation. The transition plan must
27 include a timetable with specific steps and deadlines needed to

1 complete the transfer.

2 (b) In accordance with the transition plan developed by the
3 Texas Education Agency and the Texas Department of Licensing and
4 Regulation under Subsection (a) of this section, on September 1,
5 2005:

6 (1) all functions and activities relating to Chapter
7 1001, Education Code, performed by the Texas Education Agency
8 immediately before that date are transferred to the Texas
9 Department of Licensing and Regulation;

10 (2) a rule or form adopted by the commissioner of
11 education that relates to Chapter 1001, Education Code, is a rule or
12 form of the Texas Commission of Licensing and Regulation or the
13 Texas Department of Licensing and Regulation, as applicable, and
14 remains in effect until amended or replaced by that commission or
15 department;

16 (3) a reference to the Texas Education Agency in a law
17 or administrative rule that relates to Chapter 1001, Education
18 Code, means the Texas Commission of Licensing and Regulation or the
19 Texas Department of Licensing and Regulation, as applicable;

20 (4) a complaint, investigation, or other proceeding
21 before the Texas Education Agency that is related to Chapter 1001,
22 Education Code, is transferred without change in status to the
23 Texas Department of Licensing and Regulation, and the Texas
24 Department of Licensing and Regulation assumes, as appropriate and
25 without a change in status, the position of the Texas Education
26 Agency in an action or proceeding to which the Texas Education
27 Agency is a party;

1 (5) all money, contracts, leases, property, and
2 obligations of the Texas Education Agency related to Chapter 1001,
3 Education Code, are transferred to the Texas Department of
4 Licensing and Regulation;

5 (6) all property in the custody of the Texas Education
6 Agency related to Chapter 1001, Education Code, is transferred to
7 the Texas Department of Licensing and Regulation; and

8 (7) the unexpended and unobligated balance of any
9 money appropriated by the legislature for the Texas Education
10 Agency related to Chapter 1001, Education Code, is transferred to
11 the Texas Department of Licensing and Regulation.

12 (c) In accordance with the transition plan developed by the
13 Texas Education Agency and the Texas Department of Licensing and
14 Regulation under Subsection (a) of this section, on September 1,
15 2005, all full-time equivalent employee positions at the Texas
16 Education Agency that primarily concern the administration of
17 Chapter 1001, Education Code, become positions at the Texas
18 Department of Licensing and Regulation. When filling the
19 positions, the Texas Department of Licensing and Regulation shall
20 give first consideration to an applicant who, as of August 31, 2005,
21 was a full-time employee at the Texas Education Agency primarily
22 involved in administering Chapter 1001, Education Code.

23 (d) Before September 1, 2005, the Texas Education Agency may
24 agree with the Texas Department of Licensing and Regulation to
25 transfer any property of the Texas Education Agency to the Texas
26 Department of Licensing and Regulation to implement the transfer
27 required by this Act.

1 (e) In the period beginning with the effective date of this
2 Act and ending on September 1, 2005, the Texas Education Agency
3 shall continue to perform functions and activities under Chapter
4 1001, Education Code, as if that chapter had not been amended by
5 this Act, and the former law is continued in effect for that
6 purpose.

7 SECTION 48. The changes in law made by this Act apply only
8 to a fee charged on or after September 1, 2005. A fee charged before
9 September 1, 2005, is governed by the law in effect immediately
10 before that date, and the former law is continued in effect for that
11 purpose.

12 SECTION 49. The changes in law made by this Act apply only
13 to a license issued or renewed on or after September 1, 2005. An
14 issuance or renewal that occurs before September 1, 2005, is
15 governed by the law in effect immediately before that date, and the
16 former law is continued in effect for that purpose.

17 SECTION 50. This Act takes effect immediately if it
18 receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section 39, Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this Act takes effect September 1, 2005.

ADOPTED

VV
MAY 19 2005

FLOOR AMENDMENT NO. 1

Lataj Spaw
Secretary of the Senate

BY: *Jackson*

1 Amend C.S.H.B. No. 468 (Senate Committee Printing) as
2 follows:

3 (1) In Section 6 of the bill, in amended Subsection (a),
4 Section 1001.055, Education Code (page 2, line 44), strike "or" and
5 substitute "driver education school and the Texas Education Agency
6 shall print and supply to each [ex]".

7 (2) In Section 6 of the bill, in amended Subsection (b),
8 Section 1001.055, Education Code (page 2, line 49), strike
9 "[agency] by rule shall" and substitute "and the Texas Education
10 Agency [agency] by rule shall each".

11 (3) In Section 6 of the bill, in amended Subsection (c),
12 Section 1001.055, Education Code (page 2, line 53), between
13 "department" and "[agency]", insert "or the Texas Education
14 Agency".

15 (4) In Section 34 of the bill, strike amended Subdivision
16 (2), Subsection (b), Section 1001.354, Education Code (page 11,
17 lines 35-39), and substitute the following:

18 (2) the alternative method includes testing and
19 security measures that are at least as secure as the measures
20 available in the usual classroom setting.

21 (5) Add the following appropriately numbered sections to
22 the bill and renumber the remaining sections of the bill
23 appropriately:

24 SECTION _____. Section 521.204(a), Transportation Code, is
25 amended to read as follows:

26 (a) The department may issue a Class C driver's license to
27 an applicant under 18 years of age only if the applicant:

28 (1) is 16 years of age or older;

29 (2) has submitted to the department a driver education

1 certificate issued under Chapter 1001, Education Code [~~Section 9A,~~
2 ~~Texas Driver and Traffic Safety Education Act (Article 4413(29c),~~
3 ~~Vernon's Texas Civil Statutes)~~], that states that the person has
4 completed and passed a driver education course approved by the
5 department under Section 521.205 or by the Texas Education Agency
6 or the Texas Department of Licensing and Regulation;

7 (3) has obtained a high school diploma or its
8 equivalent or is a student:

9 (A) currently enrolled in a public school, home
10 school, or private school who attended school and, for each class in
11 which the student was enrolled [~~for at least 80 days~~] in the fall or
12 spring semester preceding the date of the driver's license
13 application, met the minimum attendance required for class credit
14 under Section 25.092, Education Code; or

15 (B) who has been enrolled for at least 45 days,
16 and is enrolled as of the date of the application, in a program to
17 prepare persons to pass the high school equivalency exam and during
18 that period of enrollment has met all attendance requirements for
19 the program; and

20 (4) has passed the examination required by Section
21 521.161.

22 SECTION ____ . Sections 521.222(a) and (c), Transportation
23 Code, are amended to read as follows:

24 (a) The department or a driver education school licensed
25 under Chapter 1001, Education Code, or a driver education school
26 approved under Section 29.902 or 51.308, Education Code, [~~the Texas~~
27 ~~Driver and Traffic Safety Education Act (Article 4413(29c),~~
28 ~~Vernon's Texas Civil Statutes)~~] may issue an instruction permit,
29 including a Class A or Class B driver's license instruction permit,
30 to a person who:

31 (1) is 15 years of age or older but under 18 years of

1 age;

2 (2) has satisfactorily completed and passed the
3 classroom phase of an approved driver education course, which may
4 be a course approved under Section 521.205;

5 (3) meets the requirements imposed under Section
6 521.204(3); and

7 (4) has passed each examination required under Section
8 521.161 other than the driving test.

9 (c) A driver education school licensed under Chapter 1001,
10 Education Code, may issue an instruction permit to a person 18 years
11 of age or older who has successfully passed:

12 (1) a six-hour adult classroom driver education course
13 approved by the Texas Department of Licensing and Regulation
14 [~~Education Agency~~]; and

15 (2) each part of the driver's examination required by
16 Section 521.161 other than the driving test.

17 (6) In Section 46 of the bill (page 14, line 24), between
18 "Code," and "and Subchapter B", insert "Section 542.202(b)(3),
19 Transportation Code,".

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 12, 2005

TO: Honorable Todd Staples, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The provisions of the bill would transfer the authorities and responsibilities of the Texas Education Agency's (TEA) Driver Training Division to the Texas Department of Licensing and Regulation (TDLR). The bill would require TDLR to sell course completion certificate numbers allowing driving safety course providers to print and mail department-approved certificates of completion and duplicate certificates of completion. The bill also would remove the fee schedule for various licenses and approvals from the Education Code and places this responsibility in TDLR.

Based on information provided by TDLR and TEA, it is assumed that full-time equivalent positions would be transferred from TEA to TDLR in accordance with the provisions of the bill and that the bill would have no significant fiscal impact.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; otherwise, the bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation, 701 Central Education Agency

LBB Staff: JOB, SR, MW, RR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 9, 2005

TO: Honorable Todd Staples, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend Section 1001.056 of the Education Code relating to the issuance of certificates of driver and traffic safety education course completion. The Texas Education Agency would be required to sell course completion certificate numbers to course providers and would direct the purchaser to print and issue certificates and duplicate certificates. The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, SR, KJG, JGM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend Section 1001.056 of the Education Code relating to the issuance of certificates of driver and traffic safety education course completion. The Texas Education Agency would be required to sell course completion certificate numbers to course providers and would direct the purchaser to print and issue certificates and duplicate certificates. The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, KJG, JGM

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 10, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB468 by Hegar (Relating to driver and traffic safety education courses.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would increase the terms of license for driver training programs and instructors from one to two years. The bill would also increase the applicable fee from the current annual amount to an amount that is equal to two years' fees, thereby resulting in a neutral fiscal impact to the state.

The bill would allow course providers to purchase blocks of certificate numbers and allow the purchaser to print and issue certificates and then to print, issue, and charge a fee for duplicate certificates.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, KJG, JGM

ENROLLED

H.B. No. 468

AN ACT

relating to driver and traffic safety education courses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1) and (c-1) to read as follows:

(b) The agency shall provide ~~[print and supply to]~~ each licensed course provider with course completion certificate numbers to enable the provider to print and issue agency-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b) ~~[The certificates]~~ must be serial ~~[numbered serially]~~.

(c) The agency by rule shall provide for the design ~~[and distribution]~~ of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(e) The agency may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate to an operator shall collect from the

1 ~~[charge an]~~ operator a fee equal to the amount of the fee paid to the
2 agency for the [a] certificate number.

3 (f) A course provider license entitles a course provider to
4 purchase certificate numbers ~~[certificates]~~ for only one approved
5 driving safety course.

6 (g) A course provider ~~[The agency]~~ shall issue a duplicate
7 certificate by mail or commercial delivery ~~[certificates]~~. The
8 commissioner by rule shall determine the amount of the fee for
9 issuance of a duplicate certificate under this subsection.

10 SECTION 2. Section 1001.151(e), Education Code, is amended
11 to read as follows:

12 (e) The annual renewal fee for a course provider, driving
13 safety school, driver education school, or branch location is an
14 appropriate amount established by the commissioner not to exceed
15 \$200, except that the agency may waive the fee if revenue generated
16 by the issuance of ~~[uniform certificates of]~~ course completion
17 certificate numbers and driver education certificates is
18 sufficient to cover the cost of administering this chapter and
19 Article 45.0511, Code of Criminal Procedure.

20 SECTION 3. Section 1001.209(b), Education Code, is amended
21 to read as follows:

22 (b) A bond issued under Subsection (a) must be:

23 (1) issued by a company authorized to do business in
24 this state;

25 (2) payable to the state to be used:

26 (A) for payment of a refund due a student of the
27 course provider's approved course;

(B) to cover the payment of unpaid fees or penalties assessed by the agency; or

(C) to recover any ~~[the]~~ cost associated with providing [of uniform certificates of] course completion certificate numbers, including the cancellation of certificate numbers ~~[the agency demands be returned or any cost associated with the certificates];~~

(3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 4. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue ~~mail~~ a uniform certificate of course completion by mail or commercial delivery to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the agency in the manner established by the agency data identified by the agency relating to uniform certificates of course completion issued by the course provider.

SECTION 5. Section 1001.456(b), Education Code, is amended to read as follows:

(b) If the agency believes that a course provider, driving safety school, or driving safety instructor has violated this

chapter or a rule adopted under this chapter, the agency may, without notice:

(1) order a peer review of the course provider, driving safety school, or driving safety instructor;

(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase ~~[uniform certificates of]~~ course completion certificate numbers.

SECTION 6. Sections 1001.555(a) and (c), Education Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, a course completion certificate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(c) A person commits an offense if the person knowingly possesses a uniform certificate of course completion, a course completion certificate number, or a driver education certificate and is not authorized to possess the certificate or number.

SECTION 7. This Act takes effect September 1, 2005.

H.B. No. 468

President of the Senate

Speaker of the House

I certify that H.B. No. 468 was passed by the House on April 22, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 468 on May 23, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 468 on May 29, 2005, by a non-record vote.

Chief Clerk of the House

H.B. No. 468

I certify that H.B. No. 468 was passed by the Senate, with amendments, on May 19, 2005, by the following vote: Yeas 29, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 468 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 468 was passed by the House on
(1)

April 22, 2005, by a non-record vote; that the
(2)

House refused to concur in Senate amendments to H.B. No. 468 on

May 23, 2005, and requested the appointment
(3)

of a conference committee to consider the differences between the
two houses; and that the House adopted the conference committee report

on H.B. No. 468 on May 29, 2005, by a
(4)

non-record vote.

Chief Clerk of the House

**** Preparation: CT41

I certify that H.B. No. 468 was passed by the Senate, with
(1)

amendments, on May 19, 2005, by the following
(2)

vote: Yeas 29, Nays 0
(3) (4)

at the request of the House, the Senate appointed a conference
committee to consider the differences between the two houses;

and that the Senate adopted the conference committee report on

H.B. No. 468 on May 29, 2005, by the following vote:
(5)

Yeas 31, Nays 0
(6) (7)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT44

H.B. No. 468

By Hag

A BILL TO BE ENTITLED
AN ACT

relating to driver and traffic safety education courses.

JAN 14 2005

Filed with the Chief Clerk

FEB 07 2005

Read first time and referred to Committee on Law Enforcement

MAR 22 2005

Reported favorably ~~(as amended)~~
(as substituted)

APR 08 2005

Sent to Committee on ~~(Calendar)~~
(Local & Consent Calendars)

APR 22 2005

Read second time (comm. subst.) ~~(amended)~~; passed to third reading ~~(failed)~~ by a (non-record vote)
(~~record vote of~~ yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

APR 22 2005

Read third time ~~(amended)~~; finally passed ~~(failed to pass)~~ by a (non-record vote)
(~~record vote of~~ yeas, nays, present, not voting)

Engrossed

APR 25 2005

Sent to Senate

Robert Haney
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 25 2005

Received from the House

APR 26 2005

Read and referred to Committee on TRANSPORTATION & HOMELAND SECURITY

Reported favorably

MAY 12 2005

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 19 2005

Senate and Constitutional Rules to permit consideration suspended by BY A VIVA VOCE VOTE
(unanimous consent)
(yeas, nays)

MAY 19 2005

Read second time, Amended, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

MAY 19 2005

Senate and Constitutional 3 Day Rules suspended by a vote of 29 yeas, 0 nays

MAY 19 2005

Read third time, , and passed by (a viva voce vote)
(29 yeas, 0 nays)

May 19, 2005

Returned to the House

Lacey Spaw
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 19 2005

Returned from the Senate (as substituted)
(with amendments)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

MAY 23 2005

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (~~record vote of~~ _____ yeas, _____ nays, _____ present, not voting)

MAY 23 2005

House conferees appointed: Hegar, Chair; Hill,
Driver, Frost, Veasey

MAY 26 2005

Senate granted House request. Senate conferees appointed: Jackson, Chair;
Estes, Madia, Staples, Van de Putte

MAY 29 2005

Conference committee report adopted (~~rejected~~) by the House by a (non-record vote)
(~~record vote of~~ _____ yeas, _____ nays, _____ present, not voting)

MAY 29 2005

Conference committee report adopted (~~rejected~~) by the Senate by a (~~winning vote~~)
(record vote of 31 yeas, 0 nays)

05 APR -7 PM 7:42

HOUSE OF REPRESENTATIVES

05 MAY 19 PM 8:03

HOUSE OF REPRESENTATIVES